

Code of Ordinances



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City of Brunswick, Maryland

CODE OF ORDINANCES

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OFFIT KURMAN COMMENTS 06/07/18

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CHAPTER 1

GENERAL PROVISIONS

Article 1. Codification

Title 1. Designation

Section 1-1101. Citations

The ordinances embraced in the following chapters shall constitute and be designated as the “City of Brunswick Code of Ordinances (2020)”, and may be so cited. This Code may also be cited as the “Brunswick City Code.”

Section 1-1102. Titles of Sections

The titles of the sections of this Code are intended as mere catchwords to indicate the contents of the sections and shall not be taken to be a part of such sections.

Section 1-1103. Reviser’s Notes

Reviser’s Notes appearing at the end of some sections are advisory only and are not included within the designation of this Code.

Title 2. Organization

Section 1-1201. Numbering System

(A) Every number assigned to identify a section of this Code shall indicate the position of that section within the Code and, except as provided in Subsection (B) of this section, shall be consistent with the following system:

- (1) First digit indicates the Chapter.
- (2) Second digit indicates the Article within the Chapter.
- (3) Third digit indicates the Title within the Article.
- (4) Fourth and fifth digits indicate sequence of the Section within the Title.

For example, this Section 1-1201 is located in Chapter 1 at Article 1, Title 2 and is the first Section within the Title.

(B) Ordinances pertaining to development policies of the City of Brunswick, including but not limited to the Zoning Ordinance, Subdivision Regulations, Floodplain Ordinance, and Adequate Public Facilities Ordinance, which are included in this Code by reference may employ a simplified numbering system as follows:

(1) Digit(s) before the decimal point indicate the Article within the Ordinance.

(2) Digit(s) after the decimal point indicate the Section within the Article.

Section 1-1202. New Ordinances

All ordinances passed subsequent to this Code of Ordinances which amend, repeal or in any way affect this Code of Ordinances, shall be numbered in accordance with the numbering system of this Code, shall be maintained in the permanent records Mayor and Council of Brunswick, and shall from time to time be prepared for publication as supplementary pages for insertion into this Code.

All ordinances passed subsequent to this Code of Ordinances which do not amend, repeal or in any way affect this Code of Ordinances, or which do not have the effect of an enduring or continuously applicable law, shall be designated "Special Ordinances" and shall not be codified. An index and copy of each such Special Ordinance shall be maintained in the offices of the Mayor and Council of Brunswick for public inspection; a full index of such Special Ordinances shall be prepared for publication from time to time.

Section 1-1203. Adding New Subject Matter to this Code

When the Mayor and Council of Brunswick desire to enact an ordinance of a general and permanent nature on a subject not heretofore existing in the Code, a section in substantially the following language should be made a part of the ordinance: "Section _____. It is the intention of the Mayor and Council of Brunswick and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, and the sections of this ordinance may be renumbered to accomplish such intention." If necessary, new subject matter sections may be organized into one or more new Titles within an existing Article. In the event that such subject matter does not fit into the general subject matter of an existing Article, a new Article and if necessary, a new Chapter may be created.

Section 1-1204. Amending and Repealing Sections of this Code

All sections of this Code desired to be amended or repealed should be specifically amended or repealed by section number. Amendments to any of the provisions of this Code should be made by amending such provisions with specific reference to the section of this Code in substantially the following language: "That section _____ of the Code of Ordinances is hereby amended to read as follows:(set out new provisions in full) _____."

Section 1-1205. Adoption

The City of Brunswick Code of Ordinances (2020) as compiled, codified, edited consultation with the City Attorney and Mayor and Council of Brunswick, is adopted as the Code of Laws of general application and continuing force in the City of Brunswick from and after _____, 2020.

Article 2. Legal Construction

Title 1. General Rules of Construction

Section 1-2101. Express Language

In the construction of this Code, the following rules shall be observed unless such construction would be inconsistent with the intent of this Code.

(A) All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

(B) The singular always includes the plural, and vice versa, except where such construction would be unreasonable.

(C) Unless otherwise provided in a particular section, all words in this Code indicating one gender include and apply to the other gender as well.

(D) The term “may” is permissive; the term “shall” is mandatory.

(E) The term “person” shall include a corporation, company, partnership, association, or society, as well as a natural person.

(F) In accordance with Article I., Section 16-1 of the Charter of the City of Brunswick as found in the Public Local Laws of Frederick County, 1959 Edition Supplemented to December 1975, as amended, as deposited at the State of Maryland Legislative Services through March 2004, and as amended through January 2009 (hereinafter referred to as the “Charter”) the citizens of the City of Brunswick are a body corporate by the name of the “Mayor and Council of Brunswick.” The Mayor and Council of Brunswick is sometimes hereinafter referred to in this Code as “Mayor and Council.” Pursuant to Section 16-24 of the Charter, the Mayor, but virtue of his office, shall be the chief executive officer of the City of Brunswick (the “Mayor”). The Council of the City of Brunswick is the legislative body of the City (the “Council”). A member of the Council or more than one (1) member of the Council are hereinafter referred to as “Member of the Council” or “Members of the Council” or “Council Member” or “Council Members.”

Section 1-2102. References to the Laws of Other Jurisdictions

Whenever a provision of this Code refers to any portion of a State of Maryland, Frederick County or federal law, the reference applies to any subsequent amendment to that law, unless the referring provision expressly provides otherwise.

Section 1-2103. Computation of Time

In computing any period of time prescribed or allowed by any applicable provision of this Code, the day of the act, event, or default, after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless: (1) it is a Saturday, Sunday or a legal holiday in which event the period runs until the end of the next day, which is neither a Saturday, Sunday nor a legal holiday. When the period of time allowed is more than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be considered as other days; but if the period of time allowed is seven (7) days or less, intermediate Saturdays, Sundays and legal holidays shall not be counted in computing the period of time.

Section 1-2104. Effect of Repeals

The repeal of an ordinance or Section of this Code shall not revive any Ordinance or Section of this Code in force before or at the time such repeal took effect. The repeal of such Ordinance or Code Section shall not affect any punishment or penalty encumbered before the repeal took effect, nor any suit, prosecution, or proceeding pending at the time of the repeal.

Section 1-2105. Continuous Provisions

Those provisions appearing in the Code, so far as they may be the same in substance as ordinances which existed at the effective date of this Code, shall be considered as continuations thereof and not as new enactments.

Section 1-2106. Severability

It is hereby declared to be the intention of the Mayor and Council that the sections, paragraphs, sentences, clauses, and words of this Code are severable and if any word, clause, sentence, paragraph, or section of this Code shall be declared unconstitutional or otherwise invalid by judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, clauses, sentences, paragraphs, and sections of this Code, since the same would have been enacted by the Mayor and Council without the incorporation into this Code of any such unconstitutional or invalid word, clause, sentence, paragraph or section.

CHAPTER 2

LEGISLATIVE AND ADMINISTRATIVE FUNCTIONS

Article 1. The Mayor and Council of Brunswick

Title 1. Council Organization

Section 2-1101. Regular Meetings

The Mayor and Council shall hold regular meetings on the second and fourth Tuesdays of each month (hereinafter sometimes referred to interchangeably as “Mayor and Council Meetings” or “Council Meetings” or “Meetings of the Council”). All regular meetings shall be held in the City Hall.

Section 2-1102. Special Meetings

Special meetings shall be called by the City Administrator upon request of the Mayor or a majority of the Council members. Public notification concerning such meetings shall be published in a newspaper of general circulation in the City, as well as posted at City Hall, City social media sites, and on the City website.

Section 2-1103. Presiding Officer

As set forth in Section 16-24 of the Charter, the Mayor, or the Mayor pro tempore during the Mayor’s sickness or necessary absence as provided in Section 16-25 of the Charter shall preside as the Presiding Officer at the Council meetings. The Presiding Officer shall preserve strict order and decorum at all regular and special meetings of the Council. He shall state every question coming before the Council, announce the decision of the Council on all subjects and decide all questions of order, subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such questions of order. The Mayor may take part in all discussions and debate of questions before the Council, and in the case of a tie vote, except in the passage of ordinances, shall decide the same in accordance with Section 16-24 of the Charter. Subject to his veto authority, he shall sign all ordinances and resolutions adopted by the Council in his presence.

Section 2-1104. Special Committees

All special committees shall be appointed by the Mayor with the advice and consent of the Council.

Title 2. Council Procedures

Section 2-1201. Order of Business

All meetings of the Council shall be open to the public unless closed in accordance with the

laws of the State of Maryland. Promptly at the hour set on the day of each regular meeting, the members of the Council, the Clerk, City Administrator, and the Mayor shall take their regular stations in the City Hall, and the business of the Council shall be taken up for consideration and disposition. The agenda contents and format from time to time will be established by Resolution passed by the Mayor and Council.

Section 2-1202. Roll Call

Before proceeding with the business of the Council, the Clerk, City Administrator shall call roll of the members, and the names of those present shall be entered in the minutes.

Section 2-1203. Quorum

A majority of all the members elected to the Council shall constitute a quorum at any regular or special meeting of the Council.

Section 2-1204. Approval of Minutes

At the beginning of each meeting of the Mayor and Council, City Clerk or City Administrator shall make such corrections as necessary and shall approve the minutes as a permanent record.

Section 2-1205. Rules of Debate

(A) Presiding Officer. The Presiding Officer, may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members.

(B) Getting the floor-improper references to be avoided. Every member desiring to speak shall address the Chair, and upon recognition by the Presiding Officer, shall confine himself to the question under debate.

(C) Interruptions. A member, once recognized, shall not be interrupted when speaking unless it be to call him to order, or as herein otherwise provided. If a member of the Council, while speaking, be called to order, he shall cease speaking until the question of order be determined, and, if in order, he shall be permitted to proceed.

(D) Remarks of Council member-when entered in minutes. A Council member may request, through the Presiding Officer, the privilege of having an abstract of his statement on any subject under consideration by the Council entered in the minutes. If the Council consents thereto, such statement shall be entered in the minutes.

(E) Synopsis of debate-when entered in minutes. The Clerk or City Administrator may be directed by the Presiding Officer, with consent of the Council, to enter in the minutes a synopsis of the discussion on any question coming properly before the Council.

Section 2-1206. Addressing the Council

(A) Any person desiring to address the Council shall first secure the permission of the Presiding Officer to do so; provided, however, that a person may address the Council before a motion is made without securing such prior permission under the following circumstances:

(1) Written Communications. Interested parties or their authorized representatives may address the Council by written communications in regard to a matter then under discussion.

(2) Oral Communications. Taxpayers or residents of the City of Brunswick, or their authorized legal representatives, may address the Mayor and Council by oral communications on any matter concerning City business, or any matter over which the Mayor and Council has control; provided, however, that preference shall be given to those persons who may have notified the City Administrator in advance of their desire to speak in order that the same may appear on the agenda of the Mayor and Council.

(B) After a motion is made by a member of the Council, no person shall address the Mayor and Council without first securing the permission of the Presiding Officer to do so.

Section 2-1207. Manner of Addressing Council during Citizen's forum The Mayor and Council shall be addressed from the podium. The speaker shall provide their name and address before proceeding. Each speaker shall be allowed no more than five (5) minutes.

All remarks shall be addressed to the Mayor and Council as a body and not to any individual member. No other person shall be permitted to enter into a discussion with the speaker without the permission of the Presiding Officer. No questions may be asked of an individual Council member except through the Presiding Officer.

Section 2-1208. Member Conduct

While the Mayor and Council are in session, a Council member shall neither by conversation or otherwise delay or interrupt the proceedings or the peace of the Mayor and Council nor disturb any Council member while speaking or refuse to obey the orders of the Mayor and Council or its Presiding Officer.

Section 2-1209. Non-Member Conduct

Any person making personal, impertinent, defamatory, or slanderous remarks or who shall become boisterous while addressing the Mayor and Council shall be forthwith, by the Presiding Officer, barred from further audience before the Mayor and Council unless permission to continue be granted by a majority of the members of the Council.

Section 2-1210. Recorded Dissent

Any member of the Council shall have the right to have the reasons for his dissent from, or protest against, any action of the Mayor and Council entered in the Minutes.

Section 2-1213. Adjournment

A motion to adjourn shall always be in order and decided without debate.

Article 2. Commissions and Committees

Title 1. Economic Development Commission

Section 2-2101. Created

The Economic Development Commission shall be created for the City of Brunswick. (*Ord. 511, passed 11-24-2014*)

Section 2-2102. Composition

The Economic Development Commission shall consist of not fewer than three (3) nor more than seven (7) members. Members shall be appointed by the Mayor, with the advice and consent of the Council, and shall serve for three (3) years, their terms to be staggered.
(Ord. 511, passed 11-24-2014)

Section 2-2103. Vacancies

Vacancies in the Economic Development Commission, occurring other than by expiration of a term, shall be filled by appointment of the Mayor for the unexpired portion of the term of the person formerly holding the office.
(Ord. 511, passed 11-24-2014)

Section 2-2104. Officers

The members of the Economic Development Commission shall elect their own Chair, Secretary, and all other necessary officers at their first meeting in each calendar year.
(Ord. 511, passed 11-24-2014)

Section 2-2105. Functions

The Economic Development Commission shall make recommendations to the Mayor and Council of measures to enhance the economic development and well-being of the City based on the mission statement below.
(Ord. 511, passed 11-24-2014)

Section 2-2106. Mission

The goal of economic development is to provide Brunswick with opportunities for local employment, a full array of local goods and services, and a vibrant local economy.
(Ord. 511, passed 11-24-2014)

Section 2-2107. Compensation

The members of the Commission shall serve without compensation.

Title 2. Planning and Zoning Commission

Section 2-2201. Creation

A Planning Commission was created by the Mayor and Council of Brunswick on January 8, 1973.
Am. Ord. 511, passed 11-24-2014)

Section 2-2202. Membership

The Commission shall consist of five (5) members and one (1) alternate appointed by the Mayor with advice and consent of the Council, each to serve for five (5) years, or until his successor takes officially takes. Planning Commission members shall be eligible for reappointment. Commission members may be removed by the Mayor with the advice and consent of the Council.
(Am. Ord. 511, passed 11-24-2014)

Section 2-2203. Compensation

All members shall serve such compensation as the Mayor and Council deem appropriate.

Section 2-2204. Functions

The Commission shall have the powers, functions and duties provided for in the Planning Commission By-Laws and Procedures, amended December 22, 2003, and §8-201 of the Land Use Article of the Annotated Code of Maryland.

Title 3. History Commission

Section 2-2301. Created

A History Commission may be created for the City of Brunswick. The members of the Commission shall serve without compensation.

Section 2-2302. Composition

The History Commission may consist of not fewer than three (3) nor more than seven (7)

members. Members shall be appointed by the Mayor, with the advice and consent of the Council, and shall serve for three (3) years.

Section 2-2303. Officers

The members of the History Commission shall elect their own chair, secretary, and all other necessary officers at their first meeting in each calendar year. All officers shall serve for a period of one (1) year.

Section 2-2304 Functions.

The History Commission shall collect, organize, and preserve records of local historical significance, and have the authority and duty to make recommendations to the Mayor and Council on matters relating to the history of the City of Brunswick.
(Ord. 517, 8/11/15, effective until 12/31/2035) (Am. Ord. 511, passed 11-24-2014)

Article 3. Code of Ethics

Title 1. General Provisions

Section 2-3101. Citation

This Title shall be known and may be cited as the Code of Ethics Ordinance for the City of Brunswick and is attached and incorporated into Article 3 as Appendix D. *Amended 7/10/18, Ord 548*

Article 4. Personnel

Title 1. General Provisions

Section 2-4101. Business Hours

The City Administrator shall keep the City offices open at such times and days as are set by the Mayor and Council. In addition to such duties as may be prescribed by the Charter and this Code, the City Administrator shall attend all regular and special meetings of the Mayor and Council.

Section 2-4102. Interdepartmental Assignments

In the interest of economy and efficiency, the Mayor shall have the authority to employ personnel in dual capacities on an interdepartmental basis if such employment shall be deemed necessary.

Section 2-4103. Rules and Regulations

The Mayor and Council may from time to time make such rules and regulations as they may deem necessary for the employment of all persons employed by the City.

Section 2-4104. Dismissal of Employees

In accordance with Section 16-29 of the Charter, any employee may be dismissed by the Mayor and Council for misconduct in the performance of their duties, including the violation of the orders of the Mayor and Council or of supervisory personnel; and for the use of intoxicants, alcohol, and/or illegal drugs during their hours of employment and performance of their duties as employees of the City of Brunswick.

Section 2-4105. Benefits

The Mayor and Council shall provide for worker's compensation insurance, as well as for Social Security, retirement benefits, group life insurance and medical benefits for all of their employees, as well as for such other benefits as the Mayor and Council may from time to time specifically decide.

Section 2-4106. Surety Bond

The City Administrator and such assistant or assistants as he may have from time to time shall in addition to any requirements imposed by the Charter, have a corporate fidelity or public official bond with surety or sureties to be approved by the Mayor and Council covering such case and/or securities as he or she may have under his or her control from time to time; that said bond shall be in a sum not to be less than Twenty Thousand Dollars (\$20,000) and to be in such penalty as may be provided from time to time by the Mayor and Council who shall pay all of the premiums required thereon.

Title 2. Authorized Positions

Section 2-4201. Plan of Organization

The Mayor and Council reserves the right to add or abolish positions with the plan of organization as may be necessary to carry forth the intent and purpose of this Code.

Reviser's Note: See Article V of the Charter for a description of the powers and duties of the following personnel: Clerk, City Administrator, Auditor, Chief of Police, and Assistant Chief of Police. See Section 16-31 of the Charter for the authority to appoint both the aforesaid personnel and the following additional personnel: attorney, superintendents, and City engineer. Also see Section 16-29 of the Charter.

Section 2-4202. Superintendents

A Superintendents shall be employed whose duties shall be to supervise the Department of Public Works or Water Plant, or Waste Water Plant as may be from time to time prescribed by the Mayor and Council. Superintendents shall be responsible to the Mayor, or to such person or persons as from time to time the Mayor may designate for all actions taken by him/her their capacity as Superintendent. These actions shall be governed by such rules and regulations as may be from time to time provided for by the Mayor and Council.

Article 5. Fair Election Practices

Title 1. General Provisions

Section 2-5101. Definitions

As used in this Article, the following terms shall have the meanings indicated unless a contrary meaning is clearly intended from the context in which the term appears:

Board of Election Supervisors is herein referred to as "the "Board" and shall consist of three (3) residents and qualified voters of the City. *Section 2-5106*

Campaign. An organized effort to promote the success or defeat of any candidate(s), propositions, or questions to be voted on in a City election.

Campaign Committee. A combination of two (2) or more persons working together to promote a campaign.

Campaign Fund Report. Contributions, transfers, expenditures, outstanding obligations and loans as required by this Article.

Campaign Material. Any tangible or electronic material principally intended to promote the success or defeat of any campaign.

Candidate. Any resident of the City who has satisfied the requirements described in Section 2-5105 to run for Mayor or Council. Also, an individual who seeks, and/or accepts nomination for election.

Challengers or Watchers. A registered voter designated to be in a polling place by a candidate, political party, or other group for the purpose of observing an election.

Committee. A candidate committee, campaign committee, slates, central party committee, political action committee (PACs) and ballot issue committee.

Contribution. Payment and receipt of a gift or transfer of money or other thing of value by to any candidate, candidate's representative, or campaign committee to promote or assist in the success or defeat of any candidate(s), campaign committee, or proposition, or question submitted for vote at any City election.

Election Judges. Those City residents and registered qualified voters appointed by the Board pursuant to Section 2-5108 of this Code.

Expenditure. Any gift or transfer of money or other thing of value by any candidate, treasurer, candidate's representative, or campaign committee to promote or assist in the success or defeat of a campaign.

Polling Place. The City Park Building or other location designated by the Mayor and Council where registered voters go to cast their votes in a City election.

Registration. Act by which a resident of the City becomes qualified to vote in any City election pursuant to Section 16-11 of the Charter.

Treasurer. Any person appointed by a candidate or campaign committee to receive and disburse funds or other things of value for said candidate or campaign committee during an election cycle.

Voting Register. The written record of voters registered and qualified in a City election prepared and maintained by the Board.

Walk-around Services. Include, but not are limited to, communicating a voting preference or choice in any manner, stationing any person or object along the path to the Polling Place, distributing campaign literature, electioneering or canvassing, performed while polls are open. (*Ord. 436, passed 5-9-2006*)

Section 2-5102. General Election Procedures

(A) Not less than six (6) months prior to a City election a request will submitted to the Frederick County Election Board to development a plan as detailed Maryland Article, Election Law, Section 3-403.

(B) It shall be the duty of the Mayor and Council to provide for each general, special or recall election a suitable place(s) for voting, ballot boxes, ballots and/or voting machines.

(C) The name of each qualified candidate shall be arranged alphabetically (or as otherwise determined by County procedures) and include when warranted special petitions or referendums to be decided by vote.

(D) Polling places will be open from 8:00 a.m. to 8:00 p.m. for all City elections. A voter in line at 8:00 p.m. will be allowed to cast their vote.

(E) Any qualified voter who may be absent from the City on the day of the election, or who is otherwise prevented from being personally present to vote at the Polling Place may vote as an absentee voter.

(F) Election Supervisors may provide assistance to voters, who, due to physical infirmity may have difficulty in voting. The City shall make appropriate provisions for those voters who may need such assistance.

(G) Write-in votes are prohibited in all City elections.

(H) The provisions of this Article shall apply to all elections in which ballots shall be cast pursuant to provisions of this Chapter.

(I) The City Administrator, or designee, shall distribute this Article to all candidates for public office at the time such candidate(s) file for election and shall prepare and include such distribution to each candidate forms required by this Article.

(J) The City shall publish in a newspaper published or circulated in the City, and City social media sites, details of the pending election to include polling place, date, and object of election. (*Code 1930, art. 11, § 34; 1943, ch 740, § 1; 5-10-56, § 1; 4-11-61, § 1; 8-9-66, § 1; Char. Res. 2-12-74; Res. 12-13-77; Char. Res. 93, 7-14-93), (Rev. 9/93), (5/06)*
(*Ord. 436, passed 5-9-2006*)

K) If, on the day immediately following the deadline for filing a petition for nomination for the office of Council member or Mayor, the number of duly-qualified candidates is equal to or less than the number of vacancies in such office. Candidates shall commence their term for office of Council member or Mayor the second Tuesday in August.
(*Ord. 533, 11/3/17*)

Section 2-5103. Absentee Ballots

(A) Absentee ballots may be obtained from City Hall the next business day after the deadline for candidate petition filing and until the day prior to Election Day. *Ord. 542, 3/13/18*

(B) Absentee ballot application must be completed with certifications, if required, and terms agreed to prior to issuance.

(C) Absentee ballots may be mailed to requestors no later than one (1) calendar week prior to the election and must be received by mail at City Hall no later than the day of the election.

(D) Absentee ballots may also be cast in person at City Hall up to and including the day before the election.

(E) A special voting box (machine) will be designated by the Board of Election Judges for absentee ballots.
(*Ord. 436, passed 5-9-2006*)

Section 2-5104. Provisional Ballots

(A) A provisional ballot is a safeguard that ensures that no individual who asserts that he or she is registered and eligible to vote will be prevented from casting a ballot on the day of the election.

(B) Provisional ballots may be issued if the requestor:

(1) is not on the Voting Register, or

(2) has received an absentee ballot provided the voter alleges the absentee ballot has not been cast, or

(3) Voter identity is challenged by an Election Judge.
(Ord. 436, passed 5-9-2006)

Section 2-5105. Nomination of Candidates (formerly Charter, Section 16-14)

(A) Nominations of candidates for Mayor and Council members shall be made by petition; provided each such petition shall be signed by at least twenty (20) registered voters and filed with the City Administrator or designee thirty (30) days prior to the date of any City election.

(B) The signers of such petitions must be registered voters qualified to vote for the person whose name is presented and nominated for a place on the official ballot and shall make oath as prescribed on the petition.

(C) A filing fee of \$10 shall accompany petitions or nominations for any candidates.
(Code 1930, art. 11, § 34; 1943, ch. 740, § 1; Char. Res. 7-11-72; Char. Res. 12-11-73; Char. Res. 2-93, 7-14-93) (Rev. 9/93) (5/06)
(Ord. 436, passed 5-9-2006)

Section 2-5106. Board of Election Supervisors – “The Board”

(A) Not less than 60 days prior to the date for any City election, the Mayor, with the advice and consent of the Council, shall appoint three (3) qualified voters of the City to serve as a Board. The term of appointment shall be from the date of appointment until sixty (60) days after the date of the election, unless otherwise extended by the Mayor, with the advice and consent of the Council.

(B) The members of the Board shall be persons of high character and integrity. They shall be legal residents and registered voters of the City.

(C) The Board shall elect a President. All questions will be decided by majority vote of the members unless otherwise provided in this Article.

(D) The Board shall generally supervise the conduct of the system of registration and all elections in accordance with the provisions of the Charter, this Article and the other ordinances of the City. (Ord. 436, passed 5-9-2006)

Section 2-5107. Computation of Time

In computing time for notice to be given, or for the performing of any other act under this Article, Saturday, Sunday or a legal holiday shall be included, except when the day on which notice should be given, or an act performed, occurs on a Saturday, Sunday or legal holiday, in which case the notice shall be given or the act performed on the next regular business day

following such Saturday, Sunday or legal holiday. In such computation the date of giving notice or performing any act and the day of registration or election shall be excluded.

Section 2-5108. Election Judges (formerly Charter, Section 16-16, as amended)

(A) Board of Election Supervisors (the Board) shall appoint the following election judges with the appointment to occur not less than forty-five (45) days preceding the date of the election:

- (1) Two (2) Chief Judges;
- (2) Two (2) Machine Judges; and
- (3) Three (3) Book Judges.

(B) All Election Judges must be residents of the City and registered voters. Election Judges will be under the supervision of the Board. Election Judges must be able to speak, read and write English during the time of acting as an Election Judge; must not hold nor be a candidate, nor be affiliated with any candidate or committee as a treasurer or campaign manager.

(C) Election Judges are prohibited from any form of electioneering during the performance of their duties.

(D) Election Judges may not leave the Polling Place at any time during the election.

(E) Training for Election Judges shall follow the Frederick County Board of Elections manual as prescribed for the last preceding County election, unless a different style of voting machine is used, then other appropriate training will be conducted. Training must be conducted by the Board or their agent, at least one (1) week prior to the election.

F) Each Judge shall take and subscribe to the oath of office, before the Board, which oath shall be printed in a book for that purpose and shall be substantially in the following form:

"I, _____ residing at _____
in the City of Brunswick, in the State of Maryland, do solemnly swear (or affirm) that I am a legal voter of said City, that I support the Constitution of the United States and that I will be faithful and bear allegiance to the State of Maryland and support the Constitution and laws thereof and that I will faithfully and honestly without fear, partially or prejudice, according to the best of my ability, discharge the duties of an officer of registration and of Election Judge for the City of Brunswick, according to the law.

(G) Compensation for each serving Election Judge will be set and adopted from time-to-time by the Mayor and Council.

(Code 1930, art. 11, § 34; 1943, ch. 740, § 1; Char. Res. 2, 12-74, 5/06) Ord. 436, passed 5-9-2006)

Section 2-5109. Election>Returns Certification and Reservation of Ballots (formerly Charter, Section 16-17)

(A) Immediately after the polls are closed at each election, the Election Judges shall tabulate the ballots cast. . The person receiving the highest number of votes for Mayor shall be declared elected as Mayor. The person(s) receiving the highest number of votes for Council member shall be declared as elected Council member. A majority vote shall be declared for or against any petition or question on the ballot.

(B) The Chief Judges shall verify the results and cause a copy of the unofficial results to be posted on the exterior of the main entrance to the Polling Place. The Chief Judges will secure all the voting devices and safely secure all ballots, electronic memory devices and other such voting documentation in an appropriate container. The Chief Judges will together, take the container to City Hall, where the City Administrator will secure the container.

(C) Certification of the election by the Board will take place within one (1) week of the date of the election, depending on the use of absentee and/or provisional ballots. The Board, prior to certification, shall cause all absentee and/or provisional ballots to be cast in the same manner as was done on Election Day. Those votes cast will be added the votes from election day to produce a certified official election of candidates and/or petitions or questions.

(D) All cast ballots and the official results shall be maintained by the City for at least two (2) years from the date of the election.
(Code 1930, art. 11, § 34; 1943, ch. 740, § 1; Char. Res. 2-12-74; Char. Res. 2-93, 7-14-93, 5/06) (Ord. 436, passed 5-9-2006)

Section 2-5110. Challengers or Watchers

(A) These individuals may observe the setup of the voting machines or other devices used for the collection of ballots, voting throughout the day, and the closing procedure, i.e., collection and counting of ballots, and tabulation of results. It is unlawful for any challenger or watcher to inquire for which candidate a voter intends to vote, to converse in the Polling Place, or to assist any voter.

(B) A certificate signed by any candidate or committee and approved by the Board shall be sufficient evidence of the right of the individual to be present in the Polling Place. Challengers and watchers may not interfere with or obstruct any Election Judge or Polling Place in the proper performance of their job.

(C) If an individual commits any of these prohibited acts, a Chief Judge will revoke the certificate and escort the individual from the Polling Place.
(Ord. 436, passed 5-9-2006)

Section 2-5111. Electioneering

(A) No person or entity shall canvass, electioneer or post any campaign material in any Polling Place or within a one hundred foot (100') radius from any entrance or exit used by voters where the ballots are cast at a Polling Place.

(B) Any person found guilty of illegal electioneering shall be fined by the Police Department not less than \$50 or more than \$500.
(Ord. 436, passed 5-9-2006)

Section 2-5112. Applicability

The provisions of this Article shall apply to all City elections in which ballots shall be cast pursuant to provisions of this Chapter.
(Ord. 436, passed 5-9-2006)

Title 2. Campaign Financing – Ethics Ordinance

Section 2-5201. Treasurer for Candidate, Appointment

Each candidate may appoint one (1) treasurer and file the name and address of the treasurer with the Board; the treasurer shall file election reports in accordance with this Article.
(Ord. 436, passed 5-9-2006)

Section 2-5202. Candidate Bank Account

Every candidate for election to public office shall maintain a separate bank account for deposit of all contributions. Each such bank account shall be opened in accordance with all applicable state and federal banking laws and be registered in a manner that identifies it as the account of the candidate.
(Ord. 436, passed 5-9-2006)

Section 2-5203. Personal Contributions and Expenses of Candidates

Personal expenses of the candidate shall not be considered contributions if paid for by the candidate.
(Ord. 436, passed 5-9-2006)

Section 2-5204. Anonymous Contributions

No candidate or treasurer shall accept any contribution from an unidentified person or organization in furtherance of the candidate's nomination or election.
(Ord. 436, passed 5-9-2006)

Section 2-5205. Corporate Contributions

Corporate contributions, as well as contributions from any other business entities, political clubs, political committees, political action committees, federal committees and labor unions are

allowed. If a contribution is from any of the foregoing entities, the name and address of the entity itself shall be entered in the candidate's records and in the campaign finance reports.
(Ord. 436, passed 5-9-2006)

Section 2-5206. Limitation of Contributions

It is unlawful for any individual, association, unincorporated association, corporation, or any other entity, either directly or indirectly, to contribute in any election cycle any money or thing of value greater than \$500 to any single candidate or to contribute money in excess of \$100 except by check.
(Ord. 436, passed 5-9-2006)

Section 2-5207. Election Reports Required

(A) Every candidate, or his or her treasurer, shall file a report of contributions and expenditures in accordance with the provisions of this Election reports are required by all candidates, regardless of whether or not the candidate withdraws subsequent to nomination or losses their bid for election.

(B) The report shall be filed not later than ten (10) days following the date of the City election.

(C) The report shall contain:

- (1) The name and address of the candidate;
- (2) The name and address of the treasurer, if appointed;
- (3) Date of the report;
- (4) Name and address of each contributor;
- (5) The dollar amount of each contribution, or if not money, a description and estimated value of such non-monetary contributions;
- (6) The name and address of each expenditure;
- (7) The dollar amount and nature of each expenditure;
- (8) Written verification by the candidate and treasurer, if appointed.

(D) Election reports shall be filed with the Board/City. All reports shall be maintained according to the City Retention Policy which may be amended from time to time by the Mayor and Council. Reports shall be made available for public inspection and copying during normal business hours through the City Administrator, or designee.

Section 2-5208. Enforcement and Penalties

The Board shall aid in the prosecution of all offenses under this Article. Except as otherwise provided herein, any person who fails to perform any duty required of him or her under provision of this Article; or willfully violates any provision of this Article is guilty of a municipal infraction and shall be punished with a fine of not more than \$400.
(Ord. 436, passed 5-9-2006)

Section 2-5209. State and Federal Law

The provisions of Article 5 of this Code are subject to and superseded by any applicable and conflicting election laws of the State of Maryland or the federal government.

Article 6. Fair Housing Practices

Title 1. General Provisions

Section 2-6101. Declaration of Policy

It is the policy of the City to ensure fair housing practices to all of its residents, regardless of race, color, religion, sex, sexual orientation, familial status, national origin, disability, marital status, or source of income; and to that end to prohibit discriminatory practices with respect to residential housing by any person or group of persons, in order that the peace, health, safety, prosperity, and general welfare of all the inhabitants of the City may be protected and insured.
(Ord. 494, passed 2-8-2011)

Section 2-6102. Definitions

In this Article the following words have the meanings indicated.

Administrator. City Administrator.

Aggrieved Person. Any person who claims to have been injured by a Discriminatory Housing Practice (as herein defined).

City. The City of Brunswick.

Complainant. The person who files a complaint of a Discriminatory Housing Practice under this Article.

Conciliation. The attempted resolution of issues raised by a Complaint, or by the investigation of a Complaint through informal negotiations involving the Complainant, the Respondent, and the Administrator.

Disability. With respect to a person:

- (1) A physical or mental impairment which substantially limits one (1) or more of such person's major life activities;
- (2) A record of having a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; or
- (3) Being regarded as having a physical or mental impairment which substantially limits one (1) or more of such person's major life activities.
- (4) Disability does not include current, illegal use of or addiction to a controlled or otherwise illegal substance as defined in Title 21, § 802 of the U.S. Code or §5-101 of the Criminal Law Article of the Annotated Code of Maryland.

Discriminatory Housing Practice. An act that is unlawful under Sections 2-6104, 2-6105, 2-6106, 2-6107, 2-6108, and 2-6109 of this Article.

Dwelling. Any building, structure or portion thereof which is occupied as, or designed for occupancy as, or intended for, a residence by one (1) or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

Familial Status. The status of one (1) or more individuals who have not attained the age of eighteen (18) years being domiciled with:

- (1) A parent or other person having legal custody of such individual or individuals; or
- (2) The designee of such parent or other person having legal custody of such individuals, with the written permission of such parent or other person.

Familial Status also includes:

- (1) A pregnant woman; or
- (2) An individual who is in the process of securing legal custody of a minor.
- (3) The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

Family. Includes a single individual, as well as a socially recognized group usually joined by blood, marriage, cohabitation, or adoption.

Housing for Older Persons. Housing:

- (1) Provided under any State or Federal program that is specifically designed and

operated to assist elderly persons as defined by the state or federal program;

- (2) Intended and operated for occupancy by at least one (1) person fifty-five (55) years of age or older per unit.

Marital Status. The state of being single, married, separated, divorced, or widowed.

Multifamily dwelling. Means:

See Zoning Ordinance, Article 4, page 5.

Person. Includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, receivers, and fiduciaries

Respondent. A person accused in a Complaint of a Discriminatory Housing Practice.

Discrimination. Potential causes are race, color, religion, sex, familial status, national origin, disability, marital status, sexual orientation, or source of income, disability in employment, housing, or public accommodations.

Source of Income. Any lawful, verifiable source of money paid directly or indirectly to a renter or buyer of a dwelling including:

- (1) Any lawful profession or occupation;
- (2) The condition of being a recipient of Federal, State, or local government assistance, including medical assistance, subsidies, rental assistance, or rent supplements;
- (3) Any gift, inheritance, pension, annuity, alimony, child support, trust or investment accounts, or other consideration or benefit; and
- (4) Any sale or pledge of property or interest in property.

To Rent. To lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.
(Ord. 494, passed 2-8-2011)

Section 2-6103. Applicability of Subtitle; Exceptions

(A) Nothing in this Article, other than the prohibitions against discriminatory advertising, applies to the sale or rental of a single-family Dwelling, if the dwelling is sold or rented by an owner, provided that such private individual owner does not own more than three (3) such single-family dwellings at any one time: provided further, that in the case of the sale of any such single-family dwelling by a private individual owner not residing in such dwelling at the time of such sale or who was not the most recent resident of such dwelling prior to such sale, the

exemption granted by this subsection shall apply only with respect to one (1) such sale within any twenty-four (24) month period: provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on its behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three (3) such single-family dwellings at any one (1) time: provided further, the sale or rental of any such single-family dwelling shall be excepted from the application of this title only if such dwelling is sold or rented

(1) without the use in any manner of the sales or rental facilities or the sales and rental services of any;

(a) Real estate broker, agent, or salesperson, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and

(b) without the printed, or published notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination.

(B) Nothing in this Article, other than the prohibition against discriminatory advertising, applies to the rental of any unit in a Dwelling that contains four (4) or fewer rental units, and the owner maintains a unit in the dwelling as the owner's principal residence.

(C) The use of attorneys, escrow agents, abstractors, title companies, and other similar professional assistance as necessary to perfect or transfer the title may not subject a person to this Article if the person otherwise would be exempted.

(D) Nothing in this Article requires that a dwelling be made available to an individual whose tenancy:

(1) Would constitute a direct threat to the health or safety of other individuals; or

(2) Would result in substantial physical damage to the property of others.

(E) A religious organization, association, or society, or any nonprofit institution or organization may limit the sale, rental, or occupancy of dwellings it owns or operates to persons for other than a commercial purpose, of the same religion, or give preference to such persons, provided that membership in that religion is not restricted on account of race, color or national origin. Nothing in this Article shall prohibit a religious organization, association, or society or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society from limiting the sale, rental or occupancy of dwellings that it owns or operates for other than a commercial purpose, to persons of the same religion, or from giving preference to these persons, unless membership in the religion is restricted on account of race, color or national origin.

(F) Nothing in this Article shall prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodgings that it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of the Dwelling to its members or from giving preference to its members.

(G) Nothing in this Article limits the applicability of any reasonable local, State or Federal restrictions regarding the maximum number of occupants permitted to occupy a Dwelling.

(H) The provisions in this Article regarding familial status do not apply to housing for older persons as defined in Section 2-6102 of this Article.

(I) Nothing in this Article prohibits conduct against a Person because the Person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance, as defined in Title 21, § 802 of the U.S. Code or a controlled dangerous substance as defined in §5-101 of the Criminal Law Article of the Annotated Code of Maryland.

(J) The prohibitions in this Article against discrimination because of Source of Income do not prohibit:

- (1) A commercially reasonable verification of a source and amount of income;
- (2) A commercially reasonable evaluation of the stability, security, and creditworthiness of any source of income;
- (3) The eviction of any person for lease violation behaviors; or
- (4) The refusal to consider income derived from any criminal activity.

(K) With respect to discrimination on the basis of sex, this Article does not apply to rooms within a dwelling which have shared restroom and cooking facilities. Ord. 494, passed 2-8-2011)

Section 2-6104. Discrimination in Sale or Rental of Housing and Other Prohibited Practices

Except as exempted by Section 2-6103 of this Article, it shall be unlawful to engage in Discrimination and

(A) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a Dwelling to any Person because of race, color, religion, sex, familial status, national origin, disability, marital status, sexual orientation, or Source of Income.

(B) To discriminate against any Person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provisions of services or facilities in connection with the sale or

rental of a dwelling, due to race, color, religion, sex, familial status, national origin, disability, marital status, sexual orientation, or Source of Income.

(C) To make, print or publish, or cause to be made, printed or published any notice, statement, or advertisement, with respect to the sale or rental of a Dwelling that indicates any preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, national origin, marital status, sexual orientation, or source of income or an intention to make any such preference, limitation or discrimination.

(D) To represent to any person based on race, color, religion, sex, handicap, familial status, national origin, marital status, sexual orientation, or Source of Income that any Dwelling is not available for inspection, sale, or rental when the Dwelling is in fact so available;

(E) For profit, to induce or attempt to induce any Person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status, or national origin.

(F) To discriminate in the sale or rental, or otherwise make unavailable or deny, a Dwelling to any buyer or renter based on race, color, religion, sex, familial status, national origin, disability, marital status, sexual orientation, or Source of Income of:

- (1) The buyer or renter;
- (2) A person residing in or intending to reside in the Dwelling after it is so sold, rented, or made available; or
- (3) Any person associated with that buyer or renter.

(G) To refuse to permit, at the expense of a disabled Person, reasonable modifications of existing dwelling occupied or to be occupied by the individual if:

- (1) The modifications may be necessary to afford such person full enjoyment of the Dwelling; and
- (2) For a rental dwelling, the tenant agrees, at the tenant's expense to restore, reasonable wear and tear excepted the interior of the Dwelling to the condition that existed before the modification on vacating the Dwelling.

(G) To refuse to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford such Person equal opportunity to use and enjoy a dwelling; or

(H) To fail to design or construct a Multifamily Dwelling for its initial occupancy as required under Section 2-6105 of this Article. (*Ord. 494, passed 2-8-2011*)

Section 2-6105. Access for the Disabled

(A) On or after July 1, 1991, a Multifamily dwelling for its initial occupancy shall be designed and constructed so that:

- (1) The public use and common use portions of such Dwellings are readily accessible to and usable to disabled Persons;
- (2) All the doors designed to allow passage into and within all premises within the Dwelling are sufficiently wide to allow passage by disabled Persons in wheelchairs; and
- (3) All premises within the Dwelling contains the following features of adaptive design:
 - (a) An accessible route into and through the Dwelling;
 - (b) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - (c) Reinforcements in bathroom walls to allow later installation of grab bars; and
 - (d) Usable kitchens and bathrooms so that an individual in a wheelchair can maneuver about the space.

(B) The requirements of this Section are satisfied by compliance with:

- (1) The appropriate requirements of the most current revision of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited as ANSI A117.1); or
- (2) The Federal law, regulations, and guidelines on disability accessibility adopted under the Federal Fair Housing Act Amendments of 1988 and incorporated by reference in the rules and regulations adopted by the Department of Human Services Article of Maryland Annotated Code, 7-704 (c) (1991, ch. 571, § 3.) (*Ord. 494, passed 2-8-2011*)

Section 2-6106. Discrimination in Residential Real Estate Related Transaction

(A) It shall be unlawful for any person or other entity whose business includes engaging in residential real estate related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, national origin, marital status, sexual orientation, or Source of Income.

(B) Nothing in this Article prohibits a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, sex, handicap, familial status, national origin, marital status, sexual orientation, or Source of Income. (*Ord. 494, passed 2-8-2011*)

Section 2-6107. Discrimination in Provision of Brokerage Services

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility, relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions or such access, membership or participation, on account of race, color, religion, sex, handicap, familial status, national origin, marital status, sexual orientation, or Source of Income. (*Ord. 494, passed 2-8-2011*)

Section 2-6108. Interference, Coercion, or Intimidation

It shall be unlawful to coerce, intimidate, threaten, interfere with, or retaliate against any person in the exercise or enjoyment of, on account of a person having exercised or enjoyed, or on account of a person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this Article. (*Ord. 494, passed 2-8-2011*)

Section 2-6109. Prohibition against Injury, Intimidation, Etc., by Force or Threat of Force, to Prevent Exercise of Rights

Whether or not acting under color of law it is unlawful for any person, by force or threat of force, to willfully injure, intimidate, interfere with, or attempt to injure, intimidate, or interfere with:

(A) Any person because of race, color, religion, sex, handicap, familial status, national origin, marital status, sexual orientation, or Source of Income and because the person is or has been:

- (1) Selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any Dwelling; or
- (2) Applying for or participating in any service, organization, or facility relating to the business of selling or renting Dwellings.

(B) Any Person because the Person is or has been, or in order to intimidate the Person or any other Person or any class of persons from:

- (1) Participating without discrimination on account of race, color, religion, sex, handicap, familial status, national origin, marital status, sexual orientation, or Source of Income in any of the activities, services, organizations, or facilities described in subsection (A) of this Section; or

- (2) Affording another Person or class of persons the opportunity or protection to participate in any of the activities, services, organizations or facilities as described in paragraph (A) of this section; or
- (C) Any Person because the Person is or has been, or in order to discourage the Person or any other Person from:
 - (1) Lawfully aiding or encouraging other Persons to participate, without discrimination on account of race, color, religion, sex, disability, familial status, national origin, marital status or Source of Income in any of the activities, services, organizations, or facilities described in Subsection (A) of this Section; or
 - (2) Participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate in any of the activities, services, organizations or facilities described in Subsection (A) of this Section. (*Ord. 494, passed 2-8-2011*)

Section 2-6110. Fair Housing Administrator

(A) It is hereby established that the City Administrator will serve as the Fair Housing Administrator and shall carry out the provisions of this Article.(B) Duties of the Administrator shall be as follows:

- (1) The Administrator shall be responsible for promoting fair housing rights within the City.
- (2) The Administrator shall have the authority to inform the citizens of the City of practices and patterns of conduct which may be discriminatory in housing.
- (3) The Administrator shall have the authority to initiate or receive complaints, and make referrals to the Maryland Commission on Human Relations.
- (4) The Administrator shall hold confidential any information that would tend to disclose the identity of a Complainant and/or Respondent until an order of discrimination has been found by the Administrator. (*Ord. 494, passed 2-8-2011*)

Section 2-6111. Procedures of the Administrator

(A) A Complaint shall be made in writing and under oath or affirmation by an aggrieved person within one (1) year of the last discriminatory event.

(B) The Administrator shall make a prompt referral to the Maryland Commission on Human Relations.

(C) A Complainant has the right to appeal any administrative decision.
(*Ord. 494, passed 2-8-2011*)

Section 2-6112. Penalties

Penalties ordered by the court may include, but are not limited to:

- (A) Injunctive relief.
 - (B) Compensatory damages.
 - (C) Punitive damages.
 - (D) Reasonable and customary attorney's fees.
 - (E) Non-monetary relief.
 - (F) A fine not exceeding \$10,000 for the first offense. Each subsequent offense within five (5) years shall be punishable by a fine not exceeding \$25,000.
 - (G) Any other equitable relief that is deemed appropriate.
- (Ord. 494, passed 2-8-2011)

Section 2-6113. Enacting of Other Ordinances on Subjects Covered by Ordinance

Nothing in this Article shall affect the powers of the City to enact ordinances on any subject covered by this Article; provided that no such ordinance shall permit the doing of any act which would be a discriminatory or unlawful housing practice under this Article.

(Ord. 494, passed 2-8-2011)

CHAPTER 3

PROPERTY REGULATIONS

Article 1. Private Responsibilities

Title 1. Property Maintenance

Section 3-1101. Definitions

In this title, the following words, terms, phrases, and their derivations shall have the meanings indicated.

Disabled or Inoperative Motor Vehicle. Any motor vehicle remaining in one (1) location for ten (10) days or more and subject to any one (1) or more of the following conditions:

- (A) It has no engine or transmission or is disabled or inoperative;
- (B) It has one (1) or more flat tires;
- (C) One (1) or more missing or broken windows;
- (D) It has become a breeding place for insects, snakes, rats, or other vermin; and/or
- (E) It appears to have been abandoned as determined by the Police Department.
- (F) Remains on Public Street without moving for ten (10) days.

Dwelling Units. A single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Garbage. The animal or vegetable waste resulting from the handling, preparation, cooking or consumption of food.

Hazardous Material. Any substance, gas or material in a quantity or form that may pose an unreasonable risk to health and safety of property, including any material designated by the U.S. Department of Transportation, U.S. Environmental Protection Agency, Maryland Department of the Environment, or any other Federal or State agency as belonging to a hazard class, and including any explosive, flammable substance, corrosive substance, or radioactive substance.

Junk Vehicle. Any automobile, truck, van or other motor vehicle that:

- (A) Is unregistered or unlicensed with the state of Maryland or displaying an expired registration; or

(B) Displays license plates assigned to another vehicle; or

(C) Is disabled or inoperable.

Litter. All rubbish, waste matter, ashes, refuse, garbage, trash, debris, dead animals, or other discarded, hazardous or toxic materials of every kind and description.

Refuse/Rubbish. All refuse/rubbish, whether combustible or noncombustible, including but not limited to the following: rubbish from building construction or reconstruction, dead trees, uprooted tree stumps, yard waste rubble, street refuse, junk vehicles, machinery, bottles, cans, waste paper, cardboard, sawdust piles, slash from sawmill operations, dead animals, and all other waste material..

Structure. That which is built or constructed, including without limitation buildings or portion thereof for any occupancy or use whatsoever, fences, signs, billboards, fire escapes, stairways, chute escapes, railings, water tanks, towers, open grade steps, sidewalk tents or anything erected and framed of component parts which is fastened, anchored or rests on a permanent foundation or on the ground.

Toxic Material. Any substance that can be poisonous if inhaled, swallowed, or absorbed into the body through cuts, breaks in the skin, ingestion, or bodily contact.

Weeds or Grass. All grasses, annual plants and vegetation, other than trees provided; however, this term shall not include cultivated flowers and gardens in defined maintained landscaped beds, vegetables, compost piles or plants necessary for soil stabilization purposes. A generalized growth of all vegetation extending into the vertical or horizontal plane of any public way or abutting premises is presumptively a noxious and dangerous condition. All noxious weeds shall be prohibited.

Yard. An open unoccupied space on the same lot with a building.

Section 3-1102. Maintenance of dwelling Units

It shall be unlawful for the owner of a dwelling unit or his designated agent or lessee to fail to maintain the structure and its exit ways in a safe and sanitary condition at all times. Every dwelling shall be kept sanitary, clean and free from any accumulation of garbage refuse/rubbish, litter, weeds or similar matter, and shall be kept free from vermin or rodent infestation. It shall be the duty of each occupant of the dwelling unit to keep in a clean condition that portion of the property which he occupies or over which he has exclusive control.

Section 3-1103. Yards

It shall be unlawful for the owner of a yard or his designated agent or lessee to fail to maintain the yard free from all unsafe, hazardous or unsanitary conditions. Every yard shall be kept sanitary, clean and free from any accumulation of garbage, refuse/rubbish, weeds, and hazardous or toxic material.

Section 3-1104. Inclusion of Vacant non-residential structure Ordinance by reference as APPENDIX E Ord 536, 1/24/18

Section 3-1105. Overgrowth

All premises and exterior property of dwelling units shall be maintained free from weeds or grasses in excess of twelve inches (12”) within the City by any occupant or lessee, or the owner in the event that such property is unoccupied or unimproved.

Section 3-1106. Littering

(A) It shall be unlawful for any person or persons to dump, deposit, throw, or leave, or to cause or permit the dumping, depositing, placing, throwing, or leaving of litter on any public or private property in the City, unless:

- (1) Such property is designated by the Mayor and Council for the disposal of such litter, and such person is authorized by the Mayor and Council to use such property;
- (2) Such litter is placed into a litter receptacle or container installed on such property;
- (3) Such person is the owner or tenant in lawful possession of such property, or has first obtained written consent or is under the personal direction of the owner or tenant in lawful possession, and the act is done in a manner consistent with the provisions of this Article.

(B) Leaves deposited upon the sidewalk or street pending their removal as prescribed by the Council are exceptions to this Section.

Reviser's Note: For State Law governing littering, see Criminal Law Article, Section 10-110 of the Annotated Code of Maryland.

Section 3-1107. Junk Vehicles

(A) One (1) junk vehicle may be housed or stored on a lot of record if the vehicle is completely covered by a waterproof, opaque cover which is in good condition and which is specifically designed for such purposes; provided, however, that if one (1) or more individuals, firms or entities own, lease, occupy or possess, in whole or in part, two (2) or more adjacent and adjoining lots of record, then only one (1) junk vehicle may be housed or stored on all those lots of record so owned, leased, occupied or possessed.

(B) The provisions of this section are not applicable in the I-1 (Heavy Commercial-Light Industrial), B-2 (Central Business), and HS (Highway Service) Zoning Districts in conjunction with automobile assembly, major repair, new and used auto sales, service station or repair shop uses.

Reviser's Note: For county law related to inoperative motor vehicles, see Section 1-11-5, Code

of the Frederick County Code,. Section 1-11-5 provides that:

“On any parcel of property in Frederick County, Maryland, it is hereby declared to be a nuisance and a danger to the public health, safety and welfare for any contaminated water, filth, garbage, rubbish, including but not limited to, more than 2 dismantled, inoperative or unlicensed motor vehicles, unless within a completely enclosed building or within a permitted commercial or industrial Zoning District, and any abandoned or discarded appliances, including but not limited to, stoves, refrigerators, freezers and the like, or any offensive or deleterious matter to be and remain on any premises which is subject to this section in the county.”

Section 3-1108. Vehicle Repairs

The repairing, servicing, replacement of parts, or the performance of maintenance work on a vehicle on a public street is prohibited unless completed within one (1) day after their commencement, or within ten (10) days after their commencement if occurring outside of an enclosed building on any private property, and thereafter the vehicle upon which the repairs are made is legally operable upon any public street or highway.

Section 3-1109. Building Numbers

The assigned number of each and every property in the City shall be displayed on the assigned structure by numbers that are at least three inches (3”) in height for residential property and six inches (6”) in height for non-residential property and which contrast in color to the structure. Property numbers shall be clearly visible from the adjacent street and shall not be obstructed by trees, shrubs, landscaping, or any other objects.

A Code Enforcement Officer observing a violation of the above shall issue a citation to the owner of the property, clearly noting thereon that the initial citation is a warning and providing ten (10) days to the property owner within which to correct the violation.

Any person who shall not have displayed a property number as provided above within ten (10) days of receiving a warning as noted above shall be guilty of a municipal infraction, the fine for which shall be five dollars (\$5.00). Each day during which the violation continues shall be considered a separate municipal infraction, for which a fine of five dollars (\$5.00) shall be imposed.

Section 3-1110. Temporary Dumpsters

Temporary dumpsters are generally not permitted within the Public Ways of the City of Brunswick. However, in cases where either there is not sufficient area on the subject parcel, access prohibits truck entry, and reasonable alternatives for placement within the Public Ways has been exhausted, a request for placement of a Temporary Dumpster may be submitted to the City.

It shall be unlawful to violate provisions set forth in Appendix A, Temporary Dumpster Request Procedures.

Section 3-1111. Enforcement by Mayor

The Mayor or the Code Enforcement Officer may enforce all prohibitions and standards set forth in this Article including, but not limited to, any action to remove or cause the removal, at the expense of the owner ~~of~~ any junk vehicle, as defined in this Section, upon failure to remove within ten (10) days of a written notice of violation posted at or delivered by certified mail the vehicle owner's address such expense shall be billed to the vehicle's owner and if unpaid within thirty (30) days, such expense shall be recorded and indexed on the tax rolls and thereupon shall be a charge until paid, levied upon the real property against which the removal charges have been made, and shall be collectible by a suit at law or by the same manner as delinquent municipal corporation taxes or charges levied against the property.

Section 3-1112. Penalty for Violation

Any violation of the provisions of this Article 1 shall be a municipal infraction as enumerated at Section 10-2202.

Title 2. Animal Control

Section 3-1201. Prohibited Animals

It shall be unlawful for any person to have in his possession within the City limits any animal which, in any manner, disturbs the peace, order and quiet of the City, or which has been designated as a dangerous animal by Frederick County Animal Control.

Section 3-1202. Livestock

It shall be unlawful for any person to maintain and/or house any livestock including but not limited to hogs, pigs, chickens, sheep, cattle, horses, goats, or more than two (2) rabbits. Potbelly pigs are not considered livestock. More than one potbelly pig or external enclosures for the same are prohibited. *Amended 6/5/18, Ord 543*

Section 3-1203. Horses

Any horse entering the City shall be kept under immediate custody and control by the owner or person in possession at all times, and no horse shall be allowed to stand upon any street, highway, alley or public place without being under such control.

Section 3-1204. Adoption of County Animal Regulations

It is hereby adopted by the Mayor and Council, for the purpose of establishing rules and regulations for control of animals, including County license requirements and penalties, the provision of Chapter 1-5 (Animals and Fowl), Frederick County Code, as amended, save and except such portions as are deleted, modified, supplemented or amended by this Title, of which one (1) copy shall remain on file in the City Hall, and the same is incorporated as fully as if set out at length herein.

Section 3-1205. Animal Waste

No owner or any other person who has control of a dog, domestic pet or other animal shall permit its feces to remain upon or adjacent to any of the streets, sidewalks, parks or other public places or upon private property within the City

Section 3-1206. Penalty for Violation

Any violation of the provisions of Sections 3-1201, 3-1202, 3-1203, and 3-1205 shall be a municipal infraction as enumerated in Section 10-2202.

Article 2. Public Responsibilities

Title 1. Collection and Removal of Solid Waste

Section 3-2101. Definitions

In this Title, the following words, terms, phrases, and their derivations shall have the meanings indicated.

Bulk Trash. Large items of solid waste, including but not limited to appliances, furniture, mattresses, and similar items which cannot be handled by normal municipal waste processing, collection or disposal methods.

Commercial. Any non-residential building or establishment, including but not limited to, those used for manufacturing, retail, wholesale, dining, offices, professional services, shipping and receiving areas and cafeterias. Home businesses which generate solid waste from locations other than the owner's residence or which generate more than sixty-four (64) gallons of solid waste per week and multi-family dwellings containing more than four (4) units are considered commercial properties for the purposes of this Title.

Public Street or Public Streets. Defined for the purposes of this Section in 3-2207.

Recyclable Materials. Those materials that:

- (1) Are separated from waste stream for the purpose of recycling; and
- (2) Are defined by Frederick County Division of Utilities and Solid Waste Management Recycling, Office of Recycling.

Recycling. The collection, separation, recovery, or reuse of materials as defined by Frederick County Division of Utilities and Solid Waste Management (Trash & Recycling) which would otherwise be disposed of or processed as municipal waste.

Solid Waste, refuse, or rubbish. All putrescible and non-putrescible solid and semisolid wastes, generated in or upon, related to the occupancy of, remaining in or emanating from residential or non-residential property or commercial/industrial property, including but not

limited to, garbage, trash, discarded small home appliances, vegetable solid or semisolid wastes, and other solid and semisolid wastes excluding liquid wastes; provided, however, that Solid Waste shall not include hazardous material.

White Goods. Includes, but is not limited to, refrigerators, freezers, stoves, washers, dryers, dishwashers, trash compactors, air conditioners, ovens, hot-water heaters, furnaces, wood stoves, toilets, sinks and bathtubs.

Yard Waste. Any materials normally generated in the maintenance of gardens, yards, lawns, or landscaped areas, whether residential, commercial or public, including leaves, grass clippings, plants, shrubs, prunings and trimmings no greater than eight feet (8') in length and no greater than six inches (6") in diameter. Yard Waste does not include other tree waste, land clearing debris, waste pavement, soil or any edible product from any garden, yard, lawn or landscaped area.

(Ord. 481, passed 6-9-2009)

Section 3-2102. Authority of Mayor and Council

(A) The Mayor and Council shall regulate and control the collection, removal and disposal of all solid waste, including, but not limited to, items as described in Section 3-2101 from dwellings and other places within the City.

(B) The Mayor and Council may enter into such agreements or contracts, including agreements or contracts with any corporation, partnership, person, political subdivision or public authority, to cause or provide for the collection, removal and/or disposal of all solid waste.

(C) The Mayor and Council may employ personnel and trash collection vehicles for the collection, removal and/or disposal of all solid waste.

(D) The Mayor with Council concurrence may extend or change the days and/or hours of scheduled solid waste collection.

(E) The Mayor and Council may establish and levy such fees as may be necessary to achieve the purposes of this Title, including, but not limited to, fees for the collection, removal and disposal of any solid waste generated by residential or non-residential properties located within the City.

(F) The Mayor and Council may require that refuse of an animal or vegetable matter be separated from and deposited, collected, removed and disposed separately from other solid waste.

(G) The Mayor ☐ or Code Enforcement Officer may enforce all prohibitions and standards set forth in this Title, including, but not limited to, any action to remove or cause the removal, at the expense of the owner, of any garbage, solid waste, rubbish, litter, weeds or grass improperly maintained upon failure to remove within ten (10) days of a written notice of violation delivered to and posted at the address of the violation; such expense shall be billed

Commented [AM1]: Code Enforcement Officer?

to the owner, and if unpaid within thirty (30) days, such expense shall be recorded and indexed on the tax rolls and thereupon shall be a charge, until paid, levied upon the real property against which the removal charges have been made, and shall be collectible by a suit at law or by the same manner as delinquent municipal corporation taxes or charges levied against the property.

(H) The Mayor and Council shall be authorized to establish and impose procedures regarding the placement of temporary dumpsters within City streets and alley ways, as demonstrated in Appendix A.

(Ord. 481, passed 6-9-2009)

Section 3-2103. Prohibitions-Occupant

(A) It shall be unlawful to deposit solid waste for curbside collection in containers exceeding thirty-two (32) gallons each or a maximum aggregate total exceeding ninety-six (96) gallons.

(B) All solid waste must be in containers, which provides ease of pickup and adequate when placed at the curb for collection. The owners of a property are responsible for cleaning up any litter that has escaped from solid waste containers.

(C) When put out for collection, solid waste containers and recycling containers shall not be placed on a public road or blocking an alley or sidewalk and shall be no more than six feet (6') from the edge of the public street.

(D) All solid waste shall be placed at the curb for collection not earlier than 6:00 p.m. on the day preceding and no later than 7:00 a.m. on those days designated for collection and solid waste containers shall be removed by 7:00 a.m. of the day following collection.

(E) All solid waste including solid waste containers must be located behind the front building line of the residence or non-residential property when not placed at the public street for collection.

(F) All multifamily dwellings with more than four (4) units and all non-residential properties where the solid waste or solid waste containers are visible from the public street or adjacent residential properties must provide an enclosed, ventilated structure with self-closing door(s) for the purpose of storing solid waste and solid waste containers. Enclosures shall be approved by the Planning and Zoning Department.

(G) It shall be unlawful for any person to place curbside for collection, any solid waste not generated within a residential or non-residential property within the City.

(H) It shall be unlawful for any person, firm or corporation to place solid waste on the property of another.

(I) It shall be unlawful for a person who is not a City resident to place their solid waste for collection in the City.

(J) It shall be unlawful for any refrigerators, or any other container, equipment or appliance having self-locking doors to be abandoned or placed for collection or drop-off without first removing and detaching the doors or covers from same.

(K) The following items will not be accepted for residential collection: hazardous materials; chemical wastes; explosives, medical wastes, tanks, cylinders, excavated materials; automobile bodies or parts thereof; sealed drums or containers of any description; tires, liquid paint, stumps and trunk wood; tree limbs, brush and shrubs; debris from building and remodeling; wastes generated by contractors engaged in building, remodeling, or demolition; broken concrete, asphalt, or masonry, yard waste, as well as any materials that could cause injury or be detrimental to the health of collection workers.

(L) Such wastes defined above shall be removed by the owner, occupant, operator or contractor performing such work or other persons creating or causing the accumulation of such materials as the case may be. (*Ord. 481, passed 6-9-2009*)

Section 3-2104. Prohibitions - Solid Waste Collectors

It shall be prohibited for solid waste collectors to:

(A) Collect and remove solid waste in a manner prejudicial to health.

(B) Park or otherwise leave unattended within the City any vehicle containing solid waste, regularly used for hauling or transporting solid waste, for any period of time in excess of what is necessary for the loading or unloading of solid waste to or from such vehicle.

(C) Fail to immediately remove and clean up spillage of solid waste onto the streets or sidewalks.

(D) Overload any vehicle within the City used for hauling or transporting solid waste.

(E) Fail to maintain any vehicle in a sanitary and non-offensive condition while parked within or while hauling or transporting solid waste within the City. (*Ord. 481, passed 6-9-2009*)

Section 3-2105. Collection Schedule

All solid waste shall be collected and removed between the hours of 7:00 a.m. and 4:00 p.m. A full schedule and route description shall be maintained and posted at the City Hall by the City Administrator. (*Ord. 481, passed 6-9-2009*)

Section 3-2106. Special Pick-Ups

Oversized articles including, but not limited to, furniture, mattresses, appliances and bicycles, may be collected for disposal only upon arrangement for a special pick-up; City residents must make special pick-up arrangements with the trash collector. A regular bulk pick-up or drop-off may be scheduled and advertised. (*Ord. 481, passed 6-9-2009*)

Section 3-2107. Recycling

(A) In order to protect the environment by conserving natural resources and preserving rapidly dwindling landfill space as well as minimizing waste disposal costs, it is the policy of the Mayor and Council to require mandatory recycling for all residential properties and to encourage non-residential properties within the City limits to recycle all recyclable solid waste materials and implement source reduction activities.

(B) Recycling services for residential properties within the city are provided as follows, subject to all the restrictions and conditions:

- (1) Curbside recycling is provided in residential areas by the Frederick County Department of Solid Waste Management (including Recycling) ("DSWM"), subject to the schedule set by the County.
- (2) All recyclable materials shall be selected, prepared, and contained in conformance with the requirements of DSWM.
- (3) Drop-off sites for recyclable materials listed in (1) above are provided by the County at various locations including a site within the City as designated.
- (4) Used motor oil drop-off sites are provided at various locations throughout the County including a site within the City as designated.
- (5) Yard waste drop-off sites are provided by the County at several locations throughout the County including a site within the City as designated.
- (6) Used antifreeze, mattresses, scrap metal, appliances, batteries, electronics, and tires may be dropped off at the Frederick County Reichs Ford Recycling Center.
- (7) Household hazardous waste can be dropped off periodically as announced by the Frederick County Reich's Ford Recycling Center.

(8) Drop-off or collection of grass clippings, landscaping brush, tree limbs, and leaves may be provided by the City subject to the schedule set by the City. (Ord. 481, passed 6-9-2009)

Section 3-2108. Mandatory Recycling

(A) It shall be mandatory for all residential properties within the City to recycle either by curbside recycling or approved Frederick County Reichs Ford Recycling Centers.

(B) Recycling of these materials must meet the restrictions and conditions set by the Frederick County DSWM and the City.

(C) It shall be unlawful to combine the recyclables described in Section 3-2101 with other solid waste.

(D) It shall be unlawful for solid waste collectors to collect solid waste with visible signs of recyclable materials as defined in Section 3-2101 or yard waste.

(E) It shall be the responsibility of the property resident to segregate the uncollected waste for recycling. Failure to do so will be a violation of this Title. *(Ord. 481, passed 6-9-2009)*

Section 3-2109. Agreements and Contracts

All agreements and contracts to collect, remove and/or dispose of solid waste from the City shall require the vendor to:

(A) Comply with this Code, all other applicable ordinances and resolutions enacted by the Mayor and Council, applicable County, State and Federal statutes and regulations, and any lawfully issued City, State or Federal order.

(B) Assign or provide to the Mayor and Council an acceptable performance surety bond, or some other form of performance security acceptable to the Mayor and Council.

(C) Carry liability, property damage and workers compensation insurance policies covering its agents, employees, vehicles and equipment, and issued by insurance carriers and in amounts acceptable to the Mayor and Council.

(D) Indemnify, defend (with the City's participation) and hold the Mayor and Council and City employees harmless from claims, and the defense of such claims, consequent or incident to the acts or omissions of any of the vendor's agents, employees, vehicles or equipment.

(E) Utilize vehicles equipped and operated in a manner acceptable to the Mayor and Council.

(F) Collect, remove and dispose of solid waste in accordance with a written statement of service, approved by the Mayor and Council, failure of which to perform would entitle the Mayor and Council to remove or cause to be removed such solid waste, with the cost of such removal to be deducted from any money due the vendor by the Mayor and Council, to declare the contract at an end, to discharge the vendor, to retain any sums due the contractor for any loss the Mayor and Council may sustain, to employ another vendor or vendors for the remainder of the term, or to do the work by employees of the Mayor and Council, and to enter suit upon the surety bond or other accepted performance security of the vendor for any loss or damage which the Mayor and Council may have.

(G) Provide in writing prior notice of not less than thirty (30) days of any intent to discontinue service for any cause, except for nonpayment of service charges; a copy of such notice shall be sent to the Mayor and Council.

(H) Provide alternate service within twenty-four (24) hours in the event of any mishap or breakdown of regular equipment, or if collection service is missed for any reason.

Section 3- 2110. Penalty for Violation

Any violation of the provisions of this Title shall be a municipal infraction as enumerated at Section 10-2202. (Ord. 481, passed 6-9-2009)

Title 2. City Properties

Section 3-2201. Sidewalks and Curbing-Construction Specifications

It shall be unlawful for any person to construct public sidewalks (as defined in Section 3-4101) or curbing not in conformance with the provisions of this Title. The width of a public sidewalk shall be proportioned to the width of the public street, but no sidewalk shall be less than four feet (4') in width. No curbing shall be less than five inches (5") wide and eighteen inches (18") deep; the ends thereof shall be straight and the upper edges level to the sidewalk. All sidewalks and curbing shall be constructed of first class concrete or such other material as may be approved by the Superintendent of Public Works.

Reviser's Note: See Article X (Authority of City to Levy Special Assessments) of the Charter for provisions regarding procedures for authorizing and assessing the costs of City installed improvements including water, sewer, stormwater management, road, public streets and sidewalks, curbs, gutters and walls.

Section 3-2202. Sidewalks and Curbing - Maintenance

It shall be the duty and obligation of the owner of property abutting a sidewalk in a public right-of-way to maintain the abutting sidewalk, driveway apron, and sod in such a condition as to be safe for public use.

Section 3-2203. Damage to Public Property

Any person, firm or entity engaged in any construction or other work, including work performed under an approved site plan or under a zoning certificate issued by the City, shall be liable to the City for any damage caused to public streets, roads, alleys, curbs, gutters, signs, lights, utilities or other public property which results from or is caused by such work. The person, firm or entity shall clear, clean and remove any mud, dirt, pollutants or other foreign material which it tracks or deposits onto the public ways or other public property in the conduct of such work and shall make such repairs and clean and clear such areas as are requested by the City. In the event of the failure or refusal of such person, firm or entity to timely comply with such request, the City shall be entitled to obtain and utilize any funds, accounts or other guaranty of performance which may have been furnished by the person, firm or entity to or for the benefit of the City. The right to use such funds, accounts or guaranty shall not preclude the City from any other remedy it may have available to it, in law or in equity, and the person, firm or entity shall be and remain liable to the City for any failure to comply with the requirements of this Section. (Ord. 414, passed 6-22-2004)

Section 3-2204. Park Regulations

For the purposes of this section, a park shall be defined as any playground, recreational facility or park, owned by the City, including land within the C & O Canal area that is administered by the National Park Service (hereinafter referred to as "Park").

- (A) It shall be unlawful, within any Park, for the operator of a motor vehicle to:
 - (1) Enter or leave any Park with such vehicle except through designated entrances and exits and during such hours as the Mayor and Council may from time to time establish; or
 - (2) Drive a motor vehicle anywhere except on designated roads and parking areas.
- (B) It shall be unlawful, within any Park, for any person to:
 - (1) Start or maintain a fire except in receptacles provided for such purpose;
 - (2) Leave a fire unattended; or
 - (3) Fail to extinguish a fire started by such person when he or she leaves the Park.
- (C) It shall be unlawful, within any Park, for any person to camp outside of designated sites or areas.
- (D) It shall be unlawful, within any Park, for any person to:
 - (1) Dispose of refuse/rubbish in any manner other than the placement of such refuse/rubbish in receptacles provided for that purpose; or
 - (2) Use refuse receptacles for disposing household, commercial, or industrial solid waste.
- (E) It shall be unlawful within a Park for any person:
 - (1) To loiter between dusk and dawn (The definition of "loiter" is to stand or wait idly without apparent purpose or reason.
- (F) Violation of any of the provisions of this Section shall be a municipal infraction as enumerated at Section 10-2202 of this Code.

Section 3-2205. Approval of Proposed Streets or Extensions

The Mayor and Council will, prior to extension and construction of any street within any existing or future platted right-of-way, review the street plans and specifications. Said streets shall, unless otherwise modified by the Mayor and Council, meet the minimum design standards

as defined in the Brunswick Subdivision Regulations.

A decision as to whether to approve a street will be made at regularly scheduled public meeting following review and comment by the Planning Commission, Superintendent, of Public Works , City Engineer, and any other person deemed appropriate.

Section 3-2206. Private Use of Public Streets

Except as permitted in this Title or a City Event License as detailed in 3-2209, private use of public streets, other than the orderly flow of vehicular and pedestrian traffic, is strictly prohibited.
(Ord. 442, passed 8-8-2006)

Section 3-2207. Definition of Public Streets

The term Public Street or Public Streets, as used in this Title, shall include all streets, avenues, roads, highways, public thoroughfares, lanes, and alleys and public rights-of-way related thereto that are a part of the street and alley system accepted and adopted by the Mayor and Council in Ordinance No. 428, as amended, but excluding sidewalks which are addressed and regulated separately under this Code. (Ord. 442, passed 8-8-2006)

Section 3-2208. General Control of Mayor and Council Over Public Streets

The Mayor and Council shall have charge of all the public streets in the City except such as may be under the jurisdiction of Frederick County or the Maryland State Roads Commission/Maryland State Highway Administration. Subject to the laws of the State of Maryland and the Charter, the Mayor and Council may do whatever they deem necessary to establish, operate, maintain and protect the public streets of the City. (Ord. 442, passed 8-8-2006)

Section 3-2209. License for Private Use of Public Streets – License Agreement

No public street or any portion thereof may be utilized by a private party, including “Block” party, festival, gathering, or similar neighborhood event open to the general public, in any manner that interferes with or restricts the use of the public-at-large of said public street, except, in the event a written license agreement approved by the Mayor and Council, that permits a specific private use (“License Agreement”) is entered into between the private party and the Mayor and Council in the sole discretion of the Mayor and Council. The License Agreement shall narrowly define the use permitted, the property subject to the License Agreement, and the terms and conditions of the License Agreement including, but is not limited to, a defined time period of the use; a scaled sketch plan for any permanent or semi-permanent use, including property lines, building footprints, sidewalks, street curb lines, trees, tree wells, planters, parking meters, street signs, fire hydrants and proposed location of the use; the private party's responsibility to maintain insurance on the property for personal injury and property damage; the private party's covenant to indemnify, defend and hold harmless the City for all claims involving the private party's use of the public street, the posting by the private party of an acceptable financial guaranty or letter of credit and all other conditions required by the Mayor and Council. The license must be issued by the City Administrator or designee

Section 3-2210. Municipal Infraction

Any violation of the provisions of this Section shall be a municipal infraction as enumerated at Section 7-2202.

Title 3. Redevelopment of Deteriorated Areas

Section 3-2301. Definitions

In this Title, the following words, terms, phrases, and their derivations shall have the meanings indicated.

Slum Area. An area where residential dwellings predominate which, by reason of depreciation, overcrowding, fault arrangement, lack of ventilation, light or sanitary facilities, deterioration of public improvements within the area, or any combination of these factors, are detrimental to the public safety, health or welfare of the citizens of the City.

Blighted Area. An area in which (1) a majority of buildings have declined in productivity by reason of obsolescence, depreciation, or other causes to the extent they no longer justify fundamental repairs and adequate maintenance; or (2) an area in which the health, safety and general welfare of the citizens is detrimentally affected by reason of the general obsolescence, depreciation, or deterioration of public improvements.

Public Improvements. Sanitary sewer system, storm water drainage and management system, water treatment and distribution system, public streets, sidewalks, curbs, and gutters.

Section 3-2302. Authority of Mayor and Council

(A) The Mayor and Council may, from time to time, if conditions warrant, declare by resolution that a certain area or areas within the City meet the definition of “slum area” and/or “blighted area”.

(B) Upon the making of a finding as authorized above, the Mayor and Council may take appropriate action to restore those areas designated to a useful, productive condition, including but not limited to:

- (1) Directing the application of City resources, including labor and materials.
- (2) Participating in Federal or State programs which provide resources, including consultation and financial resources such as grants, loans, and loan guarantees.
- (3) Creating a special taxing district or levying a special benefit assessment to raise revenues for the work to restore the area.
- (4) Acquiring by conveyance, purchase or condemnation real property within the designated area.

(5) Designating an employee of the City to coordinate the action determined by the Mayor and Council.

Article 4. Sidewalks

Title 1. Regulations of Sidewalks

Section 3-4101. Definition

The term Sidewalk or Sidewalks, as used in this Section, shall include all sidewalks that are in the public right-of-way and abut all streets, avenues, roads, highways, public thoroughfares, lanes, and alleys that are a part of the street and alley system in Ordinance No. 428, as amended. (Ord. 445, passed 10-24-2005)

Section 3-4102. General Control of Mayor and Council over Sidewalks

The Mayor and Council shall have charge of all the sidewalks in the City. Subject to the laws of the State of Maryland, the Charter, Article 3, Title 2 of this Code, the Mayor and Council may do whatever is deemed necessary to establish, operate, maintain and protect, in good condition, the sidewalks of the City. (Ord. 445, passed 10-24-2005)

Section 3-4103. License for Private Use of Sidewalks

No sidewalk or any portion thereof may be utilized by a private party in any manner that restricts the use of the public-at-large of said sidewalk; except, in the event a License Agreement is entered into between the private party and the Mayor and Council, in the sole discretion of the Mayor and Council, which licenses a specific private use. The License Agreement shall narrowly define the use permitted and the property subject to the License Agreement and the terms and conditions of the License Agreement, including, but not limited to, the private party's responsibility to maintain insurance on the property for personal injury and property damage, the private party's covenant to indemnify the City for all claims involving the private party's use of the sidewalk, the posting by the private party of an acceptable financial guaranty or letter of credit and all other conditions required by the Mayor and Council. (Ord. 445, passed 10-24-2005)

Section 3-4104. Openings in Sidewalks

(A) It shall be unlawful for any person to tear up any sidewalk paving for any purpose whatsoever, or to disturb the surface by digging holes or trenches in any sidewalk within the City without first making application to the Planning and Zoning Department and obtaining a right-of-way obstruction permit and a public works agreement ("PWA") or modified public works agreement ("MPWA"), as the case may warrant, which the Planning and Zoning Department is hereby authorized to issue under such regulations as may be adopted by the Mayor and Council. Upon issuing such permit and PWA or MPWA, it shall

be the duty of the applicant to perform the work for which the permit and PWA or MPWA are issued without any unnecessary delay. As soon as such work is completed, the sidewalk shall, without delay and within the time specified in the permit and PWA or MPWA, be restored to as good a condition as it was prior to the opening or disturbance thereof. The opening shall be repaved with the same kind and quality of material with which the balance of the sidewalk is paved, and such portions of the sidewalks shall be restored to their true and proper grade. All work shall be completed to City Design standards and with initial form inspection and approved final inspection by Superintendent of Public Works Department. In the event of refusal or neglect to comply with the aforesaid provisions, the applicant shall forfeit their financial guaranty or letter of credit, and the repairs shall be made by the City. The financial guaranty or letter of credit may remain in place for up to one (1) year after the completion of all work to insure integrity of the repair is maintained

Section 3-4105. Vehicles Tracking Mud, etc., on Sidewalks

No person shall drive or move any vehicle within the City, the wheels or tires of which carry onto or deposit on any sidewalk or other public place mud, dirt, adhesive or sticky substances, litter or foreign matter of any kind.
(Ord. 445, passed 10-24-2005)

Section 3-4106. Cellar Doors – Maintenance, Closing and Guarding

(A) It shall be unlawful for any owner or occupant of any property in the City to fail to maintain their cellar doors in good repair and safe condition.

(B) It shall be unlawful for any owner or occupant of any property in the City to leave their cellars exposed when the doors thereof are raised so that people passing by or along the pavements may fall therein. It shall be the duty of the owner or occupant of any property in the City, when the door of any cellar or other excavation belonging to such property shall be raised, to cover the hole thereof in some substantial manner to prevent people from falling therein. Violation of this Section is declared to be a municipal infraction. (Ord. 445, passed 10-24-2005)

Section 3-4107. Open Gutters across Sidewalks

It shall be unlawful for any person to make any open gutter for conveying water across any sidewalk.
(Ord. 445, passed 10-24-2005)

Section 3-4108. Unlawful Conditions in Private Gutters or Spouts

It shall be unlawful for any person to permit water to fall or flow from the gutters, spouts or other discharge sources on his property on or over the pavement in front thereof, in such a manner as to cause damage to adjoining pavements or jeopardize the health, welfare or safety of persons passing over such pavements

Section 3-4109. Obstructing Sidewalks

(A) Prohibited obstructions. It shall be unlawful to obstruct any of the sidewalks of the City with any boxes, barrels, goods, wares, tables, chairs, merchandise or any other thing, except temporary unavoidable obstructions on sidewalks abutting a business that is then receiving delivery of said items or as otherwise defined in this Section.

(B) Sidewalk retail displays in the Neighborhood Business, Central Business, Business Transitional and General Commercial Zoning Districts. Businesses located in the Neighborhood Business (B-1), Central Business (B-2), Business Transitional (B-3) and General Commercial (GC) Zoning Districts may display retail goods, displays and signs on the sidewalk immediately in front of their businesses in accordance with all applicable sections of this Code and in accordance with the following:

- (1) All displays, goods and signs shall be removed from the sidewalk during the business's non-business hours.
- (2) The affected portion of sidewalk shall be cleaned each day in which the business displays retail goods, displays or signs on the sidewalk.
- (3) No portion of the retail goods, displays or signs shall obstruct access to hydrants, streetlights, telephones, mailboxes, transit stops or any other public service facility on the sidewalk area or adjacent street.
- (4) A clear unobstructed sidewalk width of at least three feet (3') shall be maintained at all times between the use and any obstacle (tree, tree well, meter, fire hydrant, etc.).
- (5) A clear unobstructed height of seven feet (7') shall be maintained between the walkway surface and any overhead obstacle, including but not limited to displays, overhead signs, awning, and tree branches.

(C) Sidewalk cafes. A food service facility located in the Neighborhood Business (B-1), Central Business (B-2), Business Transitional (B-3) and General Commercial (GC) Zoning Districts may sponsor a cafe on the sidewalk in front of their restaurant in accordance with the requirements herein. Sidewalk cafes are defined as outdoor dining areas on a portion of the sidewalk immediately abutting the sponsoring restaurant. Sidewalk cafes shall be classified as either: sidewalk cafes with no enclosure, or sidewalk cafes with enclosures.

- (1) Sidewalk cafes with no enclosure.
 - (a) License required. A sidewalk cafe that has a no surrounding enclosure shall obtain a license from the City. Planning Director shall issue the license on an annually.
 - (b) License application. A City sidewalk cafe application shall be submitted to the Planning Director, which shall include the following information:

1. Documentation of approval from the owner of the property in which the restaurant is located;
2. Documentation of liability insurance coverage as required by the City, for the sidewalk area to be used;
3. Documentation of approval from the Frederick County Liquor Board if alcoholic beverages are to be consumed in the sidewalk cafe area;
4. The seating capacity of the proposed sidewalk café; and
5. Scaled sketch plan will be required, as determined by the Planning Director and may be required to show pertinent features of the area affected, i.e., property lines, building footprint, sidewalks, street curb lines, lighting, trees, tree wells, planters, parking meters, street signs, and fire hydrants and proposed location of the outdoor cafe layout and enclosure.

(c) Design standards.

1. Sidewalk cafes with no enclosure shall consist solely of tables, chairs and umbrellas.
2. All tables weighing under twenty-five (25) pounds, chairs weighing under ten (10) pounds, and umbrellas shall be removed from the sidewalk during the restaurant's non-business hours.
3. The affected portion of sidewalk shall be cleaned each day in which the sidewalk cafe is in use.
4. No portion of the sidewalk cafe shall obstruct access to hydrants, streetlights, mailboxes, transit stops or any other public service facility on the sidewalk area or adjacent street.
5. A clear unobstructed sidewalk width of at least three feet (3') shall be maintained at all times between the sidewalk cafe and any obstacle, including but not limited to trees, tree wells, meters, and fire hydrants.
6. A clear unobstructed height of seven feet (7') shall be maintained between the walkway surface and any overhead obstacle, including but not limited to displays, overhead signs, awning, and tree branches.

(d) Maintenance. All components of the sidewalk cafe shall be removable for sidewalk right-of-way maintenance and snow removal. In the event of an emergency, the City may remove all or part of a sidewalk cafe and shall not be liable for any damages.

(e) Fee. A fee may be charged by the City to cover administrative processing and review costs. Such fee shall be established by resolution approved by the Mayor and Council.

(2) Sidewalk cafe with surrounding enclosure.

(a) License required. A sidewalk cafe that has a surrounding enclosure shall obtain a license from the City. The Planning and Zoning Department shall issue the license on an annual basis.

(b) License application. A City sidewalk cafe application shall be submitted to the Superintendent, which shall include the following information:

1. Documentation of approval from the owner of the property in which the restaurant is located;
2. Documentation of liability insurance coverage as required by the City, for the sidewalk area to be used;
3. Documentation of approval from the Frederick County Liquor Board if alcoholic beverages are to be consumed in the sidewalk cafe area;
4. The seating capacity of the proposed sidewalk cafe;
5. Scaled sketch plan will be required, as determined by the Superintendent of Public Works, and may be required to show pertinent features of the area affected, i.e., property lines, building footprint, sidewalks, street curb lines, lighting, trees, tree wells, planters, parking meters, street signs, and fire hydrants and proposed location of the outdoor cafe layout and enclosure; and
6. Description and scaled drawings of enclosure plan, including any physical changes proposed to the sidewalk such as holes for mounting railings or other enclosure systems.

(c) Design standards.

1. Sidewalk cafes with an enclosure shall consist solely of chairs, tables, umbrellas and a surrounding enclosure.
2. The affected portion of sidewalk shall be cleaned each day in which the business is in operation.
3. No portion of the sidewalk cafe shall obstruct access to hydrants, streetlights, telephones, mailboxes, transit stops or any other public service facility on the sidewalk area or adjacent street.

4. A clear unobstructed sidewalk width of at least three feet (3') shall be maintained between the use and any obstacle (tree, tree well, meter, fire hydrant, etc.).

5. A clear unobstructed height of seven feet (7') shall be maintained between the walkway surface and any overhead obstacle (tree branch, overhead sign, awning, etc.).

6. No sidewalk cafe may be permanently located within the sidewalk area by means of raised deck, platform, fence, walls or other structures or enclosed by fixed walls of any material, except that sidewalk cafe boundaries may be delineated by the use of temporary barriers such as railings. Any such temporary barriers must be easily removed and no more than forty-two inches (42") in height above the sidewalk surface. Temporary barriers may be attached by removable clips or devices approved in advance by the City engineer.

(d) Maintenance. All components of the sidewalk cafe including enclosure devices shall be removable for sidewalk right-of-way maintenance and snow removal. In the event of an emergency, the City may remove all or part of a sidewalk cafe and shall not be liable for any damages.

(e) Fee. A fee may be charged by the City to cover administrative processing and review costs. Such fee shall be established by resolution approved by the Mayor and Council.

(D) Abatement.

(1) Any violation of any provision of this Section which endangers or threatens to endanger the public health, safety and welfare shall constitute a public nuisance.

(2) Whenever the, Planning Director or his or her designee, becomes aware that such public nuisance exists within the City, it shall be his or her duty to make immediate investigation, and if in his or her judgment, any such public nuisance does exist, he or she shall forthwith give written notice to the party in default to abate such public nuisance within such reasonable time as shall be prescribed in such notice.

(3) In the event of any person neglecting or refusing to comply with the notice to remove or abate such public nuisance in the reasonable time provided, such public nuisance may be abated or removed by the City at the expense of the party so refusing or neglecting.

(Ord. 445, passed 10-24-2005)

Section 3-4110. Trees and Shrubbery-Injuring, etc.

No person shall cut, belt, destroy or injure any tree or shrubbery in or on any of the sidewalks, Parks or other public places of the City, or on private property, without consent of the owner thereof.

(Ord. 445, passed 10-24-2005)

Section 3-4111. Trees and Shrubbery-Trimming and Removal

It shall be unlawful for any person owning real estate within the City to permit any tree growing along and/or on said real estate to grow, hang or branch in such a manner as to obstruct the public right-of-way, including but not limited to sidewalks and streets, or obscure street lamps or traffic signals or signs. All such vegetation shall be kept trimmed by the owner so that limbs shall not be closer than seven feet (7') above the sidewalk. Any such vegetation in violation of this Section shall be removed or trimmed by the owner as hereinafter directed. In all cases where any vegetation is required to be removed or trimmed, the City shall notify the owner in writing to remove or trim such vegetation within five (5) days after mailing of such notice to the owner at his address as listed on the assessment records. Failure to remove or trim the vegetation as directed within the time allowed shall constitute a municipal infraction. It shall thereafter be lawful for the City to remove or trim such growth and bill the reasonable costs thereof to said owner. *(Ord. 445, passed 10-24-2005)*

Section 3-4112. Use of Ashes, etc., on Sleet or Ice

Whenever there is sleet or ice on the pavements, it shall be unlawful to sprinkle ashes, sawdust or other like substances thereon.

(Ord. 445, passed 10-24-2005)

Section 3-4113. Planting in Curb Strips, Street, etc.

It shall be lawful for any person to plant or set a tree or trees in any public way, street or avenue, or in any curb strip from the inside of the curb to the outside of the sidewalk, subject to the following conditions:

(A) The type of trees shall be approved by the City Engineer and the Mayor and Council and no other type of trees shall be allowed.

(B) The approved tree(s) shall be planted or set only under the supervision and direction of the Superintendent of Public Works and in such locations as approved by the Superintendent of Public Works.

(C) Existing trees may be replaced with prior approved tree or trees within the area hereinbefore specified under the supervision and direction of the Superintendent of Public Works.

(D) The Mayor and Council may grant permission for the planting of the approved type of trees upon application when such planting is part of the general neighborhood landscape plan and

the type of trees and the proposed location for them shall be such that no damage will result in any utilities, lines or installations. This plan shall adhere to existing FRO and Zoning requirements. City Zoning Certificate is required.

(Ord. 445, passed 10-24-2005)

Section 3-4114. Other Improvements in Curb Strips, Streets, etc.

(A) It shall be unlawful for any person to place any mailbox, post, shrub, or other improvement, with the exception of newspaper boxes, in any public way, street or avenue, sidewalk or in the area between the sidewalk and curb, without first securing the written consent of the City, including but not limited to Planning and Zoning and Superintendent of Public Works, . This Section shall not prohibit the planting of grass or sod in the area between the curb and sidewalk.

(B) Vending machines shall be prohibited in any public way, street or avenue, sidewalk or the area between the sidewalk and curb within the City with the exception of vending machines distributing newspapers or in the Main Street Area as approved by the Mayor and Council. With any permitted vending machines, a clear unobstructed sidewalk width of at least three feet (3') shall be maintained at all times.

(C) All vending machines within a public right-of-way must maintain a Zoning Certificate and other required licenses and/or permits. The certificate fee shall be the sum of Twenty-Five Dollars (\$25) per year for any number of vending machines located at a business.

(Ord. 445, passed 10-24-2005)

Section 3-4115. Plantings on Utilities or in Easements

(A) It shall be unlawful to place or plant a tree or trees on top of or within ten feet (10') of any underground utility line or equipment of the City.

(B) It shall be unlawful to place or plant trees, bushes, shrubs or other plantings or ground cover of any nature whatsoever within the utility easement area of the City unless prior written approval of the Mayor and Council is first secured. (Ord. 445, passed 10-24-2005)

Section 3-4116. Painting, Printing, etc., on Sidewalks

It shall be unlawful, except by written permission of the Mayor and Council, for any person to paint, print, stamp, stain or otherwise mark upon or build or construct on the paved portion of any sidewalk within the City any advertisement, or any words, marks, figures or letters for any purpose whatsoever on a sidewalk. This Section shall not apply to traffic signals placed or painted on the sidewalks under the direction of City authority. (Ord. 445, passed 10-24-2005)

Article 5. Signs within the Public Right-of-Way

Title 1. Regulation of Signs within the Public Right-of-Way

Section 3-5101. Intent

It is the intent of this Article to regulate signs to be located within the public right-of-way to meet the needs of businesses and other organizations while also protecting the visual quality and traditional design concepts of the City. Other signage regulations are set forth in the Zoning Ordinance. (*Ord. 443, passed 10-24-2005*)

Section 3-5102. Definitions

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Animated Sign. A sign with motion of any kind, including but not limited to flashing lights, or color changes, but excluding flags, banners, or pennants.

Billboard Sign. A large outdoor printed sign used for any activity, person, group or thing not located on the property upon which the sign is located.

Double-faced Sign. A sign with two (2) parallel, or nearly parallel, faces back to back, and located not more than twelve inches (12") from each other, e.g. "sandwich board" signs.

Externally Lighted Sign. A sign which does not produce artificial light from within itself.

Flat Sign. Any sign attached to, and erected parallel to, the face of a building, and supported throughout its length by such building and not extending more than eighteen inches (18") from the building.

Freestanding/Monument Sign. A sign which is supported by up-rights, columns, etc. upon the ground and not attached to a building.

Internally Lighted Sign. A sign that produces light within itself.

Marquee Sign. A covered structure projecting from and supported by a building covering a doorway.

Portable Trailer Sign. A sign that is pulled by a vehicle.

Projecting Sign. A sign which is attached to and projects more than eighteen inches (18") from the face of a wall of a building.

Shopping Center. A concentration of contiguous retail and service establishments as a unit on one lot serving a region.

Sign. A structure, material or device, in whole or part, which uses words or symbolic representations to direct attention, to identify or advertise any activity, establishment, business, use, person, group of people or thing.

Roof Sign. A sign erected upon or above the roof or parapet wall of a building and which is wholly or partially supported by said building.

Temporary Sign. Any sign, banner, poster, or other nonpermanent sign that is erected for no more than forty-five (45) days.

Variable Message Sign. A sign that alternates the information or symbolic representations by its own power. (Ord. 443, passed 10-24-2005)

Section 3-5103. General Regulations

(A) No sign shall be erected in the public right-of-way in any district unless in compliance with this Article 5. Existing signs shall not be altered or moved unless in compliance with this Article 5.

(B) A zoning certificate and building permit are required for the erection of new signs or for the alteration of size, height or location of existing signs. If site plans are required to be reviewed by the Planning Commission, they shall include the location, height, size, and design of all signs to be located at the site.

(D) No signs shall be attached to utility poles, traffic signal poles, or traffic control posts/signs.

(E) Signs, flags or banners attached to a building shall not project more than thirty-six inches (36") from the face of the building and shall have a minimum clearance of eight feet (8') above the ground/sidewalk.

(F) Civic/nonprofit organizations advertising a local community event must comply with this Article. The Planning and Zoning Department may issue a zoning certificate, at no cost, for up to four (4) signs to a civic/nonprofit organization advertising a civic event. (Ord. 443, passed 10-24-2005)

(G) All signs shall be maintained in good structural condition and shall comply with all applicable provisions of the Frederick County Building Code, as amended.

Section 3-5104. Zoning Certificates

(A) Zoning Certificate required. Signs may not be located within the public right-of-way without a License Agreement acceptable to the Mayor and Council.

(B) Zoning Certificate application shall be submitted to the Planning and Zoning Department, which may include without limitation the following information:

- (1) Written documentation of approval from the owner of the property upon which the sign is located.
- (2) Written documentation of liability insurance coverage as required by the City, for

the placement of the sign in the public right-of-way.

(3) At the discretion of the Planning and Zoning Department, a scaled sketch plan may include all pertinent features of the area affected, i.e., property lines, building footprint, sidewalks, street curb lines, lighting, trees, tree wells, planters, parking meters, street signs, and fire hydrants and proposed location of the sign.

(C) Zoning Certificate requirements for signs in any public right-of-way. A License Agreement shall grant approval of the sign, narrowly define the property subject to the License Agreement and recite the terms and conditions of the License Agreement, including, but not limited to, the private party's responsibility to maintain the sign in good repair, including without limitation all mechanisms securing the sign to any building or other property, maintaining insurance covering personal injury and property damage resulting from the sign and all mechanisms securing the sign to any building or other property, the private party's covenant to indemnify, defend and hold harmless the City for all claims involving the private party's use of the public right-of-way, the posting by the private party of an acceptable financial guaranty or letter of credit and all other conditions required by the Mayor and Council.

(D) Zoning Certificate issuance. The Planning and Zoning Department shall issue the zoning certificate after approval for non-temporary signs.

(E) Fee. A fee shall be charged by the City to cover administrative processing and review costs. Such fee shall be established from time to time by resolution and approved by the Mayor and Council.

(Ord. 443, passed 10-24-2005)

Section 3-5105. Design Guidelines/Specifications

(A) Design guidelines/specifications are available at the City office.

(B) All signs meeting the specifications of the City Code may be issued a zoning certificate by the Planning and Zoning Department.

<i>Sign Type</i>	<i>Zoning Certificate Needed</i>	<i>Maximum Sign Area (Sq. Ft.)</i>	<i>Maximum Sign Height (ft.)</i>
Real estate-until the property is sold	No	6	4
Subdivision-until all properties are sold	Yes	75	8
Subdivision identification	Yes	20	8
Contractors-until project is complete	Yes	24	8
Identification for public and non-profit organization	Yes	10	8
Home occupation	Yes	2	4
Individual business	Yes	50	8
Shopping center: Center identification sign Individual stores	Yes Yes	50 25	25 Attached only
Industrial park: Park identification sign (enter) Individual	Yes	50	8

<i>Sign Type</i>	<i>Zoning Certificate Needed</i>	<i>Maximum Sign Area (Sq. Ft.)</i>	<i>Maximum Sign Height (ft.)</i>
Temporary signs	Yes (45 days w/ 30 day intervals)	6	4

(Ord. 443, passed 10-24-2005)

Section 3-5106. Measurement of Signs

(A) Only one (1) face of a double-faced sign shall be computed for sign area provided the two (2) faces are no more than one foot (1') apart.

(B) All signs shall be measured according to the following formula: Area=Height of Sign Surface x Width of Sign Surface.

(C) Exit/entrance signs (without any logos), menu boards, gas station price signs, shall not be larger than State maximum (pursuant to §10-315 of the Business Regulation Article of the Annotated Code of Maryland), and tenant directories shall not be included in calculating total sign area.

(D) The support for the sign background, whether it is columns, a pylon, or a building or part thereof, shall not be included in the sign area. *(Ord. 443, passed 10-24-2005)*

Section 3-5107. Brunswick Main Street Boundary

(A) Intent. The intent of this Section is to permit in the public right-of-way only those signs that are non-obtrusive and blend with the character of the Historical District. The purpose of these signs is to advertise to pedestrian and vehicular traffic.

(B) Signs in the Main Street Boundary area shall comply with the following requirements:

(1) All hangers for signs shall be in the form of a bracket and made of metal.

(2) All signs will be no larger than nine square feet (9') or one thousand two hundred ninety-six square inches (1,296") and will not protrude from the building farther than thirty-six inches (36").

(3) On a multi-story building, signs shall be installed so that the top of the sign shall be located in line with the bottom of the second story window.

(4) Signs may not be lighted other than by means of external lighting.

(5) Flat signs (one-sided signs attached directly to a building) shall not be located anywhere above the bottom of the second floor window of the supporting structure, or part thereof, nor cover any part of any window.

(C) The Planning and Zoning Department must approve the placement of any sign to be installed on a one-story building prior to the issuance of a zoning certificate.
(Ord. 443, passed 10-24-2005)

Section 3-5108. Prohibited Signs in All Districts

The following signs are prohibited in the City in all districts:

- (A) Billboards;
- (B) Variable message signs, with the exception of informational message signs utilized by the City;
- (C) Portable trailer signs, with the exception of informational message signs utilized by the City;
- (D) Marquee signs;
- (E) Animated signs;
- (F) Signs located anywhere other than on the property or structure to which it directs attention or to which it is appurtenant;
- (G) Signs outlining any building or part thereof with neon or other lights;
- (H) Signs fastened, placed, painted, pasted, or attached in any way to, in or upon any tree, fence, public utility pole, rock, curbstone, sidewalk, lamp post, hydrant, bridge, highway marker, or another sign except such as may be required by law, so placed by a duly authorized governmental agency, so placed not as an advertisement, but as a warning against hunting, fishing, or trespassing, or not visible from any highway;
- (I) Illuminated signs which reflect or cast glare, directly or indirectly, on any public roadway or adjacent property, including, without limitation, illumination in violation of other regulations, if any;
- (J) Signs resembling traffic signals or other warning devices;
- (K) Signs that are blinking, flashing or fluttering lights, or other illuminating devices which have a changing light intensity, brightness, or color, or which are so constructed and operated as to create an appearance or illusion of writing or printing;
- (L) Signs with exposed reflective type bulbs, strobe lights or incandescent lamps which exceed fifteen (15) watts used on the exterior surface of any sign so as to expose the face of the bulb, lamp, or light to any public street or adjacent property;
- (M) No signs shall be located on any part of the roof structure; and
- (N) Any sign which advertises a business that is no longer conducted or the owner of the sign or of the property upon which the sign is located shall remove a product no longer sold on the property. *(Ord. 443, passed 10-24-2005)*

Section 3-5109. Temporary Signs in All Zones

(A) Temporary signs shall be permitted for a maximum period of forty-five (45) consecutive days in the public right-of-way, limited to four (4) signs, with approved zoning certificate, excluding political advocacy and real estate signs.

(B) Temporary signs shall not be placed on any part of the roof structure that extends into the public right-of-way and shall not be located such that it impedes sight distance for vehicles or pedestrians traveling along adjacent roads or entering/exiting the site.

(C) There shall be a minimum period of thirty (30) days between the placement of a temporary sign by the same applicant in the public right-of-way, excluding help wanted signs.

Section 3-5110. Permitted Nonconforming Signs

Signs existing prior to the enactment of the ordinance codified in this Title and not conforming to its provisions shall be considered as legal nonconforming signs and shall be allowed to continue subject to the following restrictions:

(A) The nonconforming sign may not hereafter be altered in size, shape, color, wording, graphics or other appearance except for purposes of repair.

(B) If the nonconforming sign is removed from its location for a single period of sixty (60) consecutive days or more, it may not be reused and shall not be replaced except in conformance to this Section.

(C) In the event of a sale, assignment, transfer or other conveyance of the property on which the nonconforming sign is displayed, the new owner or occupant may continue to use and display the nonconforming sign on the same conditions as set forth in this Section.

(D) In the event that a business, organization, establishment or other entity is closed, out of business, is inactive or is in anyway not operated for a period of sixty (60) consecutive days, whether because of a transfer in its ownership, financial difficulty, retirement or other reason, the nonconforming sign displayed for such business, organization establishment or other entity shall be removed and shall not be replaced except in conformance to this Title.

(E) The Code Enforcement Officer, Superintendent of Public Works or other City official designated by the Mayor or Council shall record and catalog the signs in the public right-of-way in the City that are in existence on the date of the enactment of the ordinance codified in this Title and shall designate those signs which are nonconforming. In any action to enforce the provisions of this Title, it shall be a rebuttable presumption that a sign is not a permitted nonconforming sign if the sign has not been catalogued and recorded as a permitted nonconforming sign. Any violation of the provisions of this Title shall be deemed a municipal infraction, and each day a violation continues shall be considered a new violation.

(Ord. 443, passed 10-24-2005)

Section 3-5111. Removal of Nonconforming Signs

The Planning and Zoning Department shall order the removal of any sign erected in violation of this Title. Ten (10) days written notice shall be given to the owner of such sign, building, or property on which the sign is located to remove the sign or bring it into compliance with this Title. Upon failure to remove the sign or bring it into conformance within the ten (10) day notice period the Planning and Zoning Department is authorized to remove or cause removal of the sign at the expense of the owner of the sign, the building or the property on which the sign was located.

(Ord. 443, passed 10-24-2005)

Section 3-5112. Appeal Process

Appeals from decisions of the Planning and Zoning Department regarding signs may be taken by any City agency or private person to the Board of Appeals. All appeals shall be submitted in writing with the appropriate fee to the Planning Director and shall include supporting material and justification statements for the appeal.

(Ord. 443, passed 10-24-2005)

Reviser's Note: All signage shall conform to the requirements of the Zoning Ordinance and this Title.

CHAPTER 4

BUILDING AND ENVIRONMENTAL REGULATIONS

Article 1. Construction

Title 1. Building Permits

Section 4-1101. Adoption of County Building Code

It is hereby adopted by the Mayor and Council, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and structural safety of buildings and structures, including permits and penalties, the provisions of the Building Code (Chapter 1-6, Article II), the Electrical Code (Chapter 1-7, Article III), and the Plumbing Code (Chapter 1-14, Article IV) of the Frederick County Code, as amended, save and except such portions as are hereinafter deleted, modified or amended, of which one (1) copy shall remain on file in the City Hall, and the same are incorporated as fully as if set out at length herein.

Reviser's Note: Frederick County has adopted, with revisions and amendments, the International Building Code, 2015 edition and the International Residential Code, 2015 edition and the 2015 Edition of the International Plumbing Code.

By reference, Article II, Chapter 1-6 requires compliance with the Frederick County Electrical Code (Chapter 1-7, Article III) and the Frederick County Plumbing Code (Chapter 1-14, Article IV).

[The International Residential Code encompasses subjects contained in the separate BOCA Codes that were cited in the old Reviser's Note.]

Section 4-1102. Adoption of State Non-Tidal Water and Floodplain Construction Regulations

It is hereby adopted by the Mayor and Council, for the purpose of recognizing the authority of the Maryland Department of Natural Resources to regulate and issue permits for construction on non-tidal waters and floodplains, the certain regulations published as COMAR 26.17.04.01-.13, as amended, of which one (1) copy shall remain on file in the City Hall, and the same is incorporated as fully as if set out at length herein.

Section 4-1103. Adoption of the Brunswick Design Manual

There is hereby adopted by the City of Brunswick the Brunswick Design Manual ("Design Manual), for the purpose of establishing uniform standards for the construction of roads, streets, water and sewer, storm drains, street lights and other public facilities within the City of Brunswick. The Design Manual shall be a separate publication incorporated by reference in the City of Brunswick's Code and which shall be available at City Hall for review.

Section 4-1104. Intent of the Mayor and Council

The intent of the Mayor and Council in adopting the design manual is to achieve uniformity of approach, economy of design and schedule, and technical quality improvements and information for public improvements within the City.

Section 4-1105 Amendments to the Design Manual

No more than bi-annually the Mayor and Council may by Resolution, following a duly advertised public meeting, adopt amendments to the Design Manual recommended to the Mayor and Council by the City staff and Planning Commission. Private individuals and entities may request such amendments by submission of appropriate information and materials to the City staff and Planning Commission for review and recommendation to the Mayor and Council for approval, approval with modification, or denial.

Title 2. Unsafe Buildings

Section 4-1201. Definitions

Building. The term “building” includes, but is not limited to, any building, structure, dwelling, excavation, matter, condition or thing in or about the lot on which the building is situated, and the plumbing, sewage, drainage, light or ventilation thereof.

Section 4-1202. Abatement of Unsafe Building

(A) A structure will be deemed unsafe if the Mayor and Council finds that:

- (1) A building has been constructed, altered or repaired in a manner which makes the condition of the building unsafe; or
- (2) A building is a fire, health or safety hazard for any reason, including but not limited to, lack of repair, age, dilapidated condition, abandonment or storage of combustible, flammable or explosive substances or material in the building or on its property; or
- (3) Any condition in a building or on its property endangers the safety of persons occupying or using the building or property or endangers any adjacent building, property or persons thereon; or
- (4) A building is dangerous or detrimental to life, health, or property; or
- (5) A vacant structure that is not secured against unauthorized entry; or
- (6) A vacant structure that can no longer be lived in causing it to no be longer useful for the purpose for which it was originally intended (or zoned?), or deteriorated to the

point that it is adversely affecting surrounding properties; or

(7) A building with no electrical or water service for a period of 6 months or more.

The Mayor and Council may issue an order requiring the owner of the building or property to repair, demolish, remove, alter or otherwise improve the building or correct the dangerous condition. The Mayor and Council may designate an employee, official, or contractor to act as its agent in issuing and implementing such orders.

(B) Every order issued under this Article shall be in writing and shall be directed to the owner of the building or property. The order shall specify a date by which the owner must comply with the order. The order shall be served upon the owner by personal delivery, posting the property or by certified mail, return receipt requested. In the event that the owner is absent from Frederick County or if, after reasonable efforts to locate the owner, his whereabouts are unknown, the order may be served by posting a copy on the front door of the building or in another conspicuous place on the property and by mailing a copy by both regular and certified mail, return receipt requested, to the last known address of the owner.

(C) An owner who desires to contest the order may request a hearing before the Mayor and Council. The request for the hearing must be submitted, in writing, to the City Administrator within fifteen (15) days of service of the order. Upon receipt of a request for a hearing, the Mayor and Council shall set the matter for a hearing and shall notify the owner of the date, place and time of the hearing. The order shall be stayed pending the hearing. Any order issued by the Mayor and Council after the hearing shall be complied with within fifteen (15) days of the date of the order unless another date is established by the Mayor and Council.

Section 4-1203. Abatement by City at Owner's Expense; Collection of Expenses

(A) In the event that the owner fails to comply with the order within the time limits stated therein and fails to request a hearing, or in the event the owner fails to timely comply with the order of the Mayor and Council after a hearing, the Mayor and Council, or its officials, employees, contractors or agents, may enter the building or property which are the subject of the order and cause the building or property to be repaired or demolished and the materials removed, or may cause any dangerous condition to be abated or remedied, as the case may be, at the expense of the owner.

(B) If the owner fails to repay the City for expenses incurred under sub-section (A) within thirty (30) days after written demand has been mailed to his last known address, the amount of the expenses shall constitute a lien attached to the property in favor of the City, and said expenses may be collected as, and in the same manner as, taxes. The property may be sold at tax sale to satisfy the lien authorized by this sub-section. In addition, the City may exercise any other remedy it may have to collect the amounts due.

Section 4-1204. Emergency Abatement

In the event that the condition of the building or property is such that demolition, abatement, repair or other improvement is immediately necessary to preserve life, health or property, and that compliance with the time, notice and hearing provisions of this Title would result in immediate and irreparable damage to or loss of life, health or property, the Mayor and Council may take such immediate action as is necessary only to relieve and abate the immediate danger. The Mayor and Council shall, as soon as reasonably possible, provide the owner with the notices, opportunities and other procedures of this Title. The City, the Mayor and Council and its agents, employees, officials and contractors shall be relieved of all liability to the owner for damages, losses and claims resulting from actions taken under this sub-section.

Section 4-1205. Penalties for Violations

(A) Any person who knowingly fails to comply with an order issued under this Title 2, Unsafe Buildings, shall be guilty of a Municipal Infraction Class A.

(B) Each day which a person knowingly fails to comply with an order issued under this Title shall be deemed a separate offense.

Title 3. Environmental Controls

Section 4-1301. Adoption of County Air Quality Control Requirements

It is hereby adopted by the Mayor and Council, for the purpose of establishing rules and regulations to minimize the creation of smoke and to prevent the nuisance and hazard of air pollution and to protect the health and safety and comfort and property of the citizens of the City, including permits and penalties, the provisions of Chapter 1-3 (Air Quality Control), Frederick County Code, as amended, save and except such portions as are hereinafter deleted, modified or amended, of which one (1) copy shall remain on file in the City Hall, and the same is incorporated as fully as set out at length herein.

Section 4-1302. Air Quality Control Officer

For the purpose of administering certain provisions adopted at Section 4-1301, the Chief of Police of Brunswick, the City Administrator, or a designee of the Mayor shall be the Air Quality Control Officer. The Air Quality Control Officer shall receive applications and issue permits, with or without conditions, for open fires.

Section 4-1303. Grading, Erosion, and Sediment Control

It is hereby adopted by the Mayor and Council, the provisions of Chapter 1-10 (Grading, Erosion and Sediment Control), Frederick County Code, as amended, save and except such portions as are hereinafter deleted, modified or amended, of which one copy shall remain on file in the City Hall, and the same is incorporated as fully as if set out at length herein.

The purpose of this Section is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse impacts associated with accelerated soil erosion and resultant sedimentation. Minimizing soil erosion and offsite sedimentation will minimize damage to public and private property and assist in the attainment and maintenance of water quality standards.

The provisions of this Section, pursuant to Title 4, Subtitle 1, Environment Article of the Annotated Code of Maryland, are adopted and shall apply to all grading occurring within the City.

The application of this Section and provisions expressed herein shall be the minimum grading, erosion and sediment requirements and shall not be deemed a limitation or repeal of any other powers granted by State statute. The Frederick or Catoctin Soil Conservation shall be the approval authority and the Frederick County Department of Permits and Inspection shall be responsible for coordination and enforcement of the provisions of this Section.

Section 4-1304. Adoption of County Stormwater Management Requirements

The Frederick County, Maryland, Stormwater Management Ordinance contained in Chapter 1-15.2 of the Frederick County Code, as amended, and any regulations promulgated thereunder, is hereby adopted as the “City of Brunswick Stormwater Management Ordinance” of which one copy shall remain on file in the City Hall, and the same is incorporated as fully as if set out at length herein

Any infraction of the City of Brunswick Stormwater Management Ordinance shall be considered a civil or criminal violation, as the case may be, of this Code and may be enforced in the same manner as set forth in Sections 1-15.2-10.1-.3 of the Frederick County Code.

Title 4. Wireless Telecommunications Facilities

Section 4-1401.

This Title shall be known and may be cited as the Wireless Communication Ordinance for the City of Brunswick and is attached and incorporated into this Title 4 as Appendix C.

Title 5. Obstruction Permit and Placement of Utilities within City Streets

Section 4-1501. Definitions

In this Title, the following words, terms, phrases, and their derivations shall have the meanings indicated.

Permit. Written permission to work in City right-of-way.

Permittee. Person to whom the permit was issued.

Section 4-1502. Intent

The specifications contained in this Title are intended to describe the uniform manner in which public utilities will be located, placed, and maintained within City Street and alley rights-of-way.

Section 4-1503. Stake Out

It is the responsibility of the utility company requesting permission, to stake out the proposed work in the field, so that it can be readily seen what effect this proposed work will have on the existing City street or alley, road way drainage and the adjacent property owners. Stakes will be no farther apart than fifty feet (50').

Section 4-1504. Right-of-Way

The Mayor and Council makes no warranty herein as to availability of rights-of-way for utility purposes. The permittee, must secure all easements and submit to the Planning and Zoning Department a letter, signed by a responsible person on their staff, stating that they have notified all property owners abutting their work area along the City right-of-way. The Permittee shall make a reasonable effort to contact all abutting property owners and inform them of the scope of the work and the timing of construction prior to commencing any work on the site. If it becomes necessary to work outside of the right-of-way or easement, the Permittee must obtain written permission from the property owner(s) and submit a copy to the City Planning and Zoning Department.

Section 4-1505. Guarantee

The Mayor and Council reserves the right to require improper work to be immediately removed and replaced; with emphasis on earth compacted in trenches. If proper repairs are not made within a reasonable time, the Mayor and Council reserves the right to stop all work, make all necessary repairs and to restore property to a condition satisfactory to the City and charge all cost incidentals thereto to the permittee. required that the original installation or repair to be made. A Letter of Credit or Escrow Account to benefit the City and issued by an acceptable lending institution located in the State of Maryland equal to the total construction excavation and reclamation cost plus fifteen percent (15%) will be required to be approved by the Mayor and Council prior to the commencement of work and the issuance of a permit under the provisions of this Title.

Commented [AM2]: See comment above

Section 4-1506. Plowing

The "plowing in" of any underground utility will only be permitted where it appears that this plowing operation will not have a detrimental effect upon the City street or alley. That determination is to be made by the City Engineer.

Section 4-1507. Request for Permission

Permission to plow or to open trenches in any City maintained rights-of-way shall be requested at least fifteen (15) working days in advance of starting work. Permission may be granted after procedures have been developed to maintain all traffic with full regard to hours of working, rush hours, use of steel plates for trench cover and safety precautions. Starting of work within the City's right-of-way, or any occupancy thereof, including ingress and egress, by the Permittee and/or their agents, constitutes full acceptance of all the terms of the Permit. Failure to comply with any of the terms of the Permit constitutes a violation of the entire Permit and could result in the termination thereof and denials of access until such time as the terms are complied with.

Section 4-1508. Permission for Emergency Work

Emergency type work, which is for the restoration of interrupted service, may begin immediately with verbal approval of the City Engineer and City DPW.

Section 4-1509 Location of Water and Sewer Lines and Major Duct Line Facilities

Water lines and sewer lines and major duct line facilities may be located within the paved section of City streets and alleys and shall require public works agreement (PWA) or modified public works agreement (MPWA) with surety equal to the cost estimate plus 15% in accordance with the following provisions:

Trench and manhole areas will be compacted as specified in these specifications. The owner of the utility lines will be responsible for trench settlement and patching for a period of not more than one year beginning at the date of conditional acceptance by the City. Manholes and valve boxes will be kept one-quarter inch (1/4") below the finished pavement. Prior to conditional acceptance the street or alley will be milled and overlaid per section 4-1521 and Appendix B details over the entire roadway to restore it to the cross sectional configuration that currently exist along this section of road. Manholes will be raised to conform to the newly established guide. If the City anticipates a profile change in the street or alley, the utilities will be installed in accordance with the anticipated profile change, at no cost to the City.

Section 4-1510. Location of Water and Sewer Lines (Existing Roads)

All new work running parallel with existing roadway shall be placed in shoulder or ditch area. All laterals may be pushed or bored. Open cuts will be allowed at the discretion of the Superintendent of Public Works. It will be the responsibility of the Permittee to acquire all easements and right of ways needed.

Section 4-1511. Utility Relocations

By locating utility facilities within City rights-of-way, the utility owner or his assignees, agrees to relocate these facilities at no cost to the City, should the City request such relocation. The City could request relocation because of, but not limited to, roadway improvements, drainage improvements, installation of City owned water and/or sewer lines, etc.

Section 4-1512. New Subdivision Streets

Those utilities, which are to be installed in new subdivision streets, shall be installed in the following manner:

If the base bituminous concrete roadway has been placed, no open cutting will be allowed. It will be the responsibility of the utility company to either bore or push utilities in these locations. This applies to all streets where it is anticipated that these streets will eventually be accepted into the City street system for maintenance. Any trenching shall be accomplished before the shoulder work and seeding and mulching are accomplished.

Section 4-1513. Existing Roadways

All utility crossings under existing City streets or alleys shall be bored or pushed across at the request of the Superintendent of Public Works. Open cutting will be permitted in accordance with this section of the code. The utility owner or his assignee must make a minimum of three (3) attempts to bore and at least two (2) of them must have a City DPW representative present. Where utilities have been placed under the paved section of City streets or alleys and because of maintenance purposes it is necessary to disturb a section of City streets or alleys, the following provisions will be followed:

The disturbed area will be patched and crack sealed, then maintained by the utility owner for a period of at least six (6) months. At the end of the settling period the utility owner shall follow overlay procedures per the trench and pavement repair detail in Appendix B to restore it to the cross sectional configuration that currently exist along this section of road.

Section 4-1514. Longevity of Patch and Trench Responsibility

The agency making the trench, cut or patch shall be responsible for the trench, patch or cut for a period of one (1) year warranty period after conditional acceptance. It will be the responsibility of the agency making the trench, patch or cut, to notify in writing the City Engineer and DPW of the date on which the work was permanently completed. This responsibility will include any necessary resurfacing of patched area, re-patching and the re-shaping and filling of any trenched areas, which are a direct result of the utility installation. It shall be the responsibility of the Permittee to notify the City Engineer and DPW upon completion of the work, so that an ~~final~~ inspection may be made, and for the one (1)-year warranty will commence. They 15% surety will be held until the Permittee notifies the Public Works Department after the one(1) year warranty period to perform the final inspection and accept the work.

Section 4-1515. Other Utilities

The Utility Company is responsible for:

(A) Insuring that their proposed installation and construction activities will not interfere with the maintenance or functioning of existing utility facilities already located within the right-of-way.

(B) Any damage to existing utility facilities already within the right-of-way.

(C) Contacting Miss Utility to have underground utilities marked prior to construction.

Section 4-1516. Improperly Installed Facilities

The owner of improperly installed facilities located within City a right-of-way shall be liable for any resulting damage to the City-maintained roadway and appurtenances. Additionally, the owner of the facilities shall also be liable for any damage to City equipment or injuries to City staff resulting from improperly installed facilities. If the City becomes aware that the utility's facilities were not installed at the agreed-to location or depth, the City will notify the utility and the utility shall propose corrective action within ten (10) business day's notification. The utility shall bear all financial responsibility with any such relocation. Additionally, failure by the utility to respond within the two-week period and/or to proceed with corrective action within six (6) weeks shall result in the county suspending review of all current and future permit submittals by the utility in question, and suspension of all approved permits held by the utility. This suspension shall remain in effect until the utility complies with the requirements of this section of the permit.

Section 4-1517. Drainage

Existing drainage along City rights-of-way is not to be disturbed, or rerouted. The Permittee will assume the responsibility for damages to adjoining property, which may be the result of any changes to the present drainage conditions, and agrees to hold the City harmless from any action resulting from the changes. All disturbed areas within the City right-of-way, including shoulders, ditch lines and slopes will be seeded and mulched or armored to prevent erosion and to stabilize the disturbed areas.

Section 4-1518. Shoulders and Ditches

All disturbed shoulders, side slopes and side ditches shall be restored to original grade and section or better. Portland Cement Concrete or asphalt paving shall be placed in badly disturbed side ditches, as determined by the City Engineer and/or DPW, where restoration in kind cannot be satisfactorily made as a result of grade or water flow conditions.

Section 4-1519. Equipment Required

All equipment employed by the utility company shall be capable of performing the required work and shall be equipped to prevent extraneous surface damage coincident with construction.

Section 4-1520. Pavement Cutting Methods

Bituminous pavements and Portland Cement Concrete pavements shall be cut to neat lines with a saw eighteen inches (18") wider than the trench width on both sides. See Saw Cut Detail of Right-of-Way Obstruction Permit (Appendix B). Pavement excavation shall be limited to half the roadway width at any one time. Only dirt roads can be cut using the backhoe method.

Section 4-1521. Overlay

The area to be milled and with an additional two inch (2) of bituminous concrete shall be described as follows:

(A) Width - the width of the overlay shall extend the entire width of the riding surface.

(B) Length - the length of the overlay shall extend from a point fifteen feet (15') back of the point where the existing pavement was first disturbed and cover the entire construction area to a point of fifteen feet (15') beyond the last place existing pavement was disturbed. This is to be measured parallel to the centerline of the existing road with the end points being at 90 degrees to the centerline. The beginning and ending points of the overlay are to be "milled" into the existing pavement so as not to create a hump or bump in the road surface. (See Trench and Pavement Repair Detail of Right-of-Way Obstruction Permit Appendix B).

Section 4-1522. Reserved

Section 4-1523. Cutting and Repairing Bituminous Roadways

(See Trench and Pavement Repair Detail of Right-of-Way Obstruction Permit Appendix B). On Bituminous roadways, patch shall be cut back 18 inches on either side of trench (6' min). Backfill in trenches shall be acceptable material removed therefrom (or better) and be mechanically tamped in 6-inch maximum spread layers to a density of 95% using the T-180 method. Six (6) inches of BF Asphalt shall be placed in two 3" lifts, then rolled or tamped. Two inches of SF asphalt shall be placed so finish of patch conforms to adjacent pavement. Patch will be cracked sealed, within two weeks after completion.

Section 4-1524. Cutting and Permanently Repairing Portland Cement Concrete Roadways

(See Trench and Pavement Repair Detail of Right-of-Way Obstruction Permit Appendix B). Permanent repairing upon removal of temporary patch, the subgrade and/or new fill shall be checked and tamped, if required, to assure compaction density. Backfill in trenches shall be acceptable material removed therefrom (or better) and shall be mechanically tamped in 6-inch maximum spread layers to a density of 95%. Compaction shall be 100% for trenches dug

previous to new paving. Puddling will not be permitted. Cuts in Portland Cement Concrete paving shall be thoroughly cleaned and edges wetted before placing concrete. The subgrade will be properly sprinkled immediately in advance of placing concrete. Portland Cement Concrete shall be carefully worked to completely fill the opening, including all irregularities in the trimming of the existing pavement. The surface finish of the patch shall conform to the adjacent pavement. The curing of the Portland Cement Concrete shall be by either approved membrane material or by paper properly secured. Barricades, signs and lights shall be maintained at the patch until surface course has been completed. Portland Cement Concrete shall have 6x12-2/2 wire mesh placed 2" from concrete surface and extending within 3" of all sides. There shall be a minimum of 10' distance between edge of patch and nearest joint, except that this requirement shall not apply where an existing joint in the existing pavement is within the prescribed 10' minimum distance, in which instance the replacement shall be to the existing joint. Minimum width and length patch shall be 10'.

Section 4-1525. Temporary Patching

Temporary patches shall be made immediately on the completion of the backfill and shall consist of suitable materials (bituminous patches, stone or crusher run) as appropriate in a thickness consistent with requirements for maintenance of the patch pending final paving. The utility shall maintain all temporary patching, and shall make all repairs needed within 48 hours after being contacted by the City Engineer or DPW.

Section 4-1526. Inspection

Inspection of cuts, backfill and surface repairs will be made by the City Engineer or Superintendent of Public Works at the expense of the Utility Company. Compaction test will be performed by a qualified engineer with recognized methods. Forty-eight (48) hours' notice is required to schedule Inspection. The Utility Company will pay for all compaction tests. The Utility Company will also be charged for continual re-inspection of the same problem (nuisance inspections).

Section 4-1527. Safety Requirements

The utility shall take every necessary precaution to prevent damage to property and injury to the public who may be in the area. The utility shall be governed by all requirements covering protection of the public, and comply with all local and State laws and regulations. Barricades, signs and lights shall be used, and a certificate of insurance shall be provided to the City before any work can begin.

The Utility Company shall indemnify, defend and hold the City harmless from all liability for damages arising from or due to their work. Flagmen will be required where one (1)-way traffic is necessary because of utility work. A standard Maintenance of Traffic Plan and a proposed Detour Plan will be submitted to the City Engineer and DPW; if a street or alley closure is needed, signs and flashing light barricades shall be used. All signs and barricades shall be fully reflectorized for night visibility. All warning signs shall conform to the latest Maryland, "Manual on Uniform Traffic Control Devices for Streets and Highways, 2011

Edition.” All mud and debris tracked and/or spilled on the City streets or alleys shall be removed promptly to eliminate potential hazards.

Section 4-1528. General Requirements

The Permittee’s contractor shall plan and schedule its work to cause a minimum interference with other work being done in the area. Equipment and excavated materials shall be placed not to obstruct traffic or drainage. All sidewalk curb and gutter and driveways disturbed or damaged shall be replaced in complete sections on a compacted base. All joints and material shall be replaced for full joint effectiveness. Access shall be maintained to all driveways during non-work periods. No materials or equipment shall be stored in the City right-of-way during non-work periods. All excavation shall be backfilled or plated prior to the end of any work period. Two-way traffic shall be maintained at all times. At least one-half (1/2) of the roadway (pavement and shoulder) shall be available for traffic at all times. No equipment with cleated wheels or tracks is permitted on roadway or shoulder pavement, and any damage done to City property will be the responsibility of the Permittee. It is the responsibility of the Permittee to make his agent, or contractor, familiar with the terms of these specifications.

Article 2. Water and Sewer

Title 1. Charges

Section 4-2101. Basis for Use Charges

Water and sewer use charges shall be both based upon the amount of water passing through each water connection as measured by water meters owned by the City. In the event that, and for so long as, any such meter shall be out of order, in need of repair, or for any reason fail to register the consumption of water, the use charge shall be equal to the average daily consumption as shown by said meter when the same is in proper working order.

Section 4-2102. Billing

Billing dates for all water and sewer charges shall be quarterly, on or about March 31, June 30, September 30, and December 31 of each year. The City Administrator or their designee, shall notify each property owner connected to the City water and/or sewer system of the amounts due. This notification will be conducted primarily by a written bill/invoice via by U.S. Postal Mail.

All amounts due for water and/or sewer services shall be paid within thirty (30) days from the date of the notification of the amount due.

The Mayor and Council may approve due date extensions for water and sewer bills for customers directly impacted by a government-wide or partial “shutdown”.

Ordinance 550, 2/12/19.

Reviser’s Note: Billing procedures are governed by State Law; see Sections 9-724 and 9-725 of the Environment Article, Annotated Code of Maryland.

Section 4-2103. Delinquent Payments

(A) If the current bill is outstanding thirty (30) days after the billing date, the City Administrator or designee will give the property owner a ten (10)-day written notice that payment must be made or the water service will be disconnected. If after ten (10) days the bill remains unpaid, the Superintendent will be instructed to terminate (turn off) the water service. The water service will not be restored (turned on) until the delinquent amount for all water, sewer, interest, and penalty charges ("reconnection" fee) is paid in full.

(B) Delinquent bills shall be subject to 1% interest if not paid within sixty (60) days after billing date.

(C) A charge (penalty) shall be assessed the property owner to restore the water service after a disconnection. This charge may be modified from time to time by the Mayor and Council or the General Assembly of the State of Maryland.

(D) If a customer's service is terminated the entire balance must be paid for reconnection. A payment plan may only be started prior to termination.

(E) If water service has been disconnected for a period of sixty (60) days or more and a delinquent bill is still outstanding, the Mayor and Council may start proceedings to place a lien on the property as stated in Section 16-73 of the Charter. The lien will include sitting charges for the period in which the water has been disconnected.

Reviser's Note: Billing procedures are governed by State Law; see Sections 9-724 and 9-725 of the Environment Article, Annotated Code of Maryland.

Section 4-2104. (Reserved)

Section 4-2105. Separate Water and Sewer Connection Fees

(A) A separate water and sewer connection fee shall be charged for each residential dwelling. In the case of attached residential dwellings, such as townhouses and apartments, a separate connection fee shall be charged for each residential dwelling and shall be paid at the time of application for such connection. In the case of commercial, industrial and institutional properties, a separate connection fee shall be charged for each "equivalent unit," which term shall refer to the number of fixtures which shall be equivalent to those used by a residential dwelling, as determined from time to time by the Mayor and Council by resolution.

(B) In any instance in which any owner or developer of land shall extend any of the City's sewer mains, the connection charge will be waived if the owner or developer installs the service line as part of the main extension contract. A PWA shall be entered into between the City and owner or developer, with all costs of main extensions and service connections to be paid by the owner or developer.

(C) The charge shall be collected at the time the sewer application is filed.

Section 4-2106. Sewer Use Charges

(A) From and after July 1, 1988, effective at the beginning of each customers' next quarterly billing period, a charge, rate or fee shall be and the same is hereby established to be paid by all owners of all buildings, dwellings, or other structures, which charge, rate or fee shall be based upon the amount of water used or consumed during each quarter year in or about such buildings, dwellings, or other structures', as established by the Utility Rate as approved by the Mayor and Council..

(B) The source of water for every building, dwelling, or other structure discharging waste, water, sewage or other liquid or fluid substances into the City's sanitary sewer system shall be metered.

(C) The owner of any building, dwelling, or other structure shall have the privilege of applying to the City for permission to **install a separate water meter** to measure the water not discharged into the sanitary sewer system. For all such water, the owner shall not be charged a sewer rate as established. All costs and expenses relating to the installation of such a separate water meter shall be paid by the property owner.

(D) If any charge, rate or fee is not paid within thirty (30) days from the date of ~~the~~ the City shall have the right to disconnect water service to the property after five (5) days' written notice.

(E) The City shall review the sewer charges annually and revise them periodically, if necessary, to meet operation and maintenance expenses. The City shall maintain all the records as are necessary to document compliance with Federal regulations.

Section 4-2107. Suspension of Service at Request of Owner; Water Turnoff Fee

In any instance in which the owner of any building, dwelling, or other structure desires to suspend his water and sewer services for a period exceeding sixty (60) days, he may do so by written application to the City made at least five (5) days prior to the cutoff date. In the event of such suspension of service, the owner will be charged a turnoff fee.

Section 4-2108. Annual Financial Statement

The City Auditor shall prepare annually and submit to the Mayor and Council a statement showing all income derived by the City from the sewer and water rates and charges herein levied and imposed, together with a statement of all costs and expenses incurred by or attributable to the operation of the City's sewerage and water distribution system, which statements shall be reviewed by the Mayor and Council for the purpose of determining what revision, if any, to the rates and charges herein levied and imposed may be required.

Title 2. Connections

Section 4-2201. Water and Sewer Service Applications

Every individual who desires to contract for supply of water within the limits of the City shall make written application to the Department of Planning and Zoning upon forms prepared by the City, setting forth the description of the property and improvements thereon to be supplied with water and/or sewer services, stating the name and address of the applicant and stating further that the applicant will abide by and observe all applicable State statutes and regulations and ordinances, resolutions and regulations lawfully passed by the Mayor and Council. Any individual who wishes to contract for water and/or sewer service at a new connection shall, when making application for such connection, pay to the City for each new connection a Capacity Fee for such connection in such amount as the Mayor and Council may from time to time by resolution establish.

Section 4-2202. Water and/or Sewer Service Outside of City Limits

Any individual who desires to contract for a supply of water and/or sewer outside of the limits of the City shall make application on the form described in Section 4-2201. The City Administrator shall present such application to the Mayor and Council at a regular meeting. The Mayor and Council shall review the application, and, if they deem it appropriate to provide service to the property of the applicant, they may approve the application. In determining whether or not to approve such application as appropriate, the Mayor and Council shall consider and make their determination based upon the following criteria: the availability, condition, age and composition of the service mains throughout the City's water and sewer systems; the availability, condition, age and composition of the water and sewer lines throughout the City's water and sewer systems; the adequacy of the water supply as it then exists and as it may be affected by the provision of the service sought; the capacity of sewer facilities as it then exists and as it may be affected by the provision of the service sought; the availability and adequacy of water pressure as it then exists and as it may be affected by the provision of the service sought; the availability and adequacy of fire protection as it then exists and as it may be required or affected by the provision of the service sought, including but not limited to the availability of fire hydrants; the legal sufficiency, availability and adequacy of land or interests in land such as easements necessary to provide the service sought and the impact of the service sought on the land and property interests affected by the service sought; and whether the provision of the service sought may create or cause a violation or conflict with the City Design Manual or any other applicable laws, codes, rules or regulations of the City, County, State or Federal Government.

(Ord. 430, passed 8-9-2005)

Section 4-2203. Cross Connection Control Plan

This section regulates cross connections with the public water system, i.e., connections or arrangements of piping or appurtenances through which water of questionable quality, wastes or

other contaminants can enter the public water system. In situations where the customer's private piping is deemed by the City to have reasonable potential to cause contaminated back flow into the City's water main, suitable back flow prevention devices are required

(A) This adopts by reference the Maryland Department of the Environment COMAR: 26.04.01.32 Cross Connection Control Rules.

(B) The City will cause surveys to be made of all properties served by the public water system where cross-connections with the public water supply is deemed possible. The frequency of surveys and resurveys based on potential health hazards involved shall be as established by the City of Brunswick, MD and as approved by MDE.

(C) The DPW Superintendent shall have the right to enter at any reasonable time any property served by a connection to the public water system of City for the purpose of surveying the piping system or systems thereof for cross-connections. On request, the owner, lessees, or occupants of any property so served shall furnish to the City any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connection.

(D) The City is hereby authorized to discontinue water service after reasonable notice to any property wherein any connection in violation of this ordinance exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service to such property shall not be restored until the cross-connection(s) has been eliminated in compliance with the provisions of this ordinance.

Section 4-2204. Service Main Connections

The City may, in accordance with the City's Water and Sewer Rules and Regulations, make connections by installing, at the expense of the property owner, a stopcock six inches (6") inside the curb and shall connect the service pipe to be laid by the property owner with the service main at the stopcock at the curb. No person other than by authority of the Superintendent shall make any such connection. Connection of sewer service shall be made to a sewer clean out at the property line to connect the service pipe to be laid by the property owner to the clean out. In the event that the connection from the main to the property line shall exceed the minimum distance from time to time established by the Mayor and Council by resolution, the property owners shall pay, in addition to the established connection fees, the amount expended by the Mayor and Council to make the extended connection. The cost of the public portion of any extension shall be equitably apportioned among all property owners who shall connect to the extension within five (5) years from the date of completion of the extension. Any such sums paid to the City shall be apportioned and refunded without interest to the persons who initially paid for the installation of the extension of the service main. (*Am. Ord. 413, passed 5-25-2004*)

Section 4-2205. Distribution Main Extensions for a Single Service Connection

Any extension of the distribution main shall be limited to twenty-five feet (25') for each connection ("tap"), and any extension in excess of twenty-five feet (25') shall be at the sole

expense of the property owner requesting the service; provided, that should the excess extension footage be subsequently utilized for additional taps or connections, then the costs of such excess footage, or applicable portion thereof, shall be apportioned and refunded without interest to the property owner who originally paid for the excess footage, if such excess footage is utilized within five (5) years from the date of its installation, in accordance with the Water and Sewer Rules and Regulations. (*Am. Ord. 413, passed 5-25-2004*)

Section 4-2206. Minimum Standards for Service Lines

No water service line from the water main to the connection of a property owner shall have a diameter of less than one (1) inch. No sewer service pipe of a gravity feed type shall have a diameter of less than four inches (4"). No water service or sewer service pipe utilizing an innovative or non-standard design, size or material shall be employed without advance review and approval by the Superintendent of Public Works.

Section 4-2207. Subdivisions

The developer of a subdivision within the corporate limits of the City shall construct at his sole expense all sewer and water mains, meters, and all appurtenances thereto according to the specifications of the Mayor and Council. Before connecting to the water and/or sewer mains, the developer shall pay the capacity fees established by the Mayor and Council for each residential dwelling in the subdivision.

Section 4-2208. Repairs or Replacements

Whenever the Mayor and Council shall pave any street or portion thereof, the Superintendent shall inspect all water pipes beneath the surface thereof, and, when necessary, he shall repair or replace any sewer or water mains at the expense of the City. However, in the event that the Superintendent shall find any water service or sewer mains laid by individuals or corporations out of repair or in such bad condition that they should be replaced, he shall repair or replace the same at the expense of the City, but in all such cases the owners of properties benefitted by such repairs or replacements shall be minimally required to pay the established tap fee for new connections.

Replacement Meters. If a customer contends that his water meter is defective DPW will examine and test the meter. If the meter is greater than ten (10) years old, it will be replaced at no cost to the customer. If the meter is ten (10) years old or less and determined by DPW to be working properly, the meter will be replaced upon request of the customer, however the customer must pay One Hundred Dollars (\$100.00) for the cost and installation of the new meter if the manufacturer of the meter confirms that the meter was working properly. If the manufacturer determines that the meter was defective, there will be no cost to the customer. (*Ordinance 535, 12/23/17*)

Reviser's Note: If a person lays a new pipe or conduit without a permit, or not in accordance with the approved plan or an approved deviation from the plan, the municipality shall: (1) Give the person reasonable notice of the violation, and (2) order the person to remove or readjust the pipe or conduit within a time specified in the order; failure to comply with such an order shall be punishable as a misdemeanor. See Section 9-710 of the Environment Article, Annotated Code of Maryland.

Title 3. Use Regulations

Section 4-2301. Water Bans

The Mayor, with concurrence of the Council, is hereby authorized and empowered, whenever in his judgment he shall think it necessary for the preservation of the public health and safety, to ban, suspend, curtail and regulate the use of water from the City water system for the operation of fountains, bathhouses, swimming pools, coin operated washing machines or the sprinkling of streets, lawns, flowers, shrubbery, gardens and for washing automobiles and other vehicles. Except upon the declaration of an emergency condition, the Mayor shall give notice including but not limited to City Web site, Social Media, a newspaper of general circulation within the City and the Brunswick service area, to all consumers of water as to any ban, suspension, curtailment or regulation which shall be effective twenty-four (24) hours after the publication of such notice. All consumers of water services and property owners shall comply with any such ban, suspension, curtailment or regulation.

Section 4-2302. Unnecessary Waste of Water

The Superintendent is authorized and empowered to enter and inspect, at any reasonable time, the property of any consumer of water for the purpose of ascertaining the number and character of all service connections on such property and the condition of such connections and, upon probable cause, to investigate whether there is any unnecessary waste of water. In the event that any such unnecessary waste shall be found to result from want of repair in the pipes or other fixtures, the owner and occupier of such property shall be notified and ordered in writing to have the necessary repairs made forthwith or within a reasonable time specified in the order, and upon neglect or refusal to comply with the order, it shall be the duty of the Superintendent to issue a second notice indicating the City's intent to shut off the water to such property within forty-eight (48) hours unless evidence of compliance is sooner presented. No notice shall be required to cut off water supplies to any property using water otherwise than through an authorized user.

Section 4-2303. Stoppages

All stoppages in dwelling connections from any property line to the sewer main shall be opened at the property owner's expense. However, if it is determined by the Superintendent of Public Works that the stoppage has been caused by roots or damaged pipe occurring between the sewer main and the property line, the City shall pay the expense of opening that portion of the connection, provided that the City shall first approve any charges for such work. In the event that, upon the opening of the house connection, it is found necessary to open the street between the sewer main and the property line, such additional work shall be done by, and at the expense of, the City.

Reviser's Note: For State Laws establishing misdemeanor offenses for certain acts related to the use of water and sewer facilities, see Section 6-305 of the Criminal Law Article and Sections 9-709 (Removal of Obstruction) and 9-715 (Right of Entry) of the Environment Article, Annotated Code of Maryland, as amended.

Section 6-305 provides that a person may not wrongfully and maliciously: (1) connect, disconnect, tap, interfere or tamper with, or make a connection with water equipment that belongs to a company, municipal corporation, county, or unit of State or local government that uses or supplies water for domestic, agricultural, or manufacturing purposes; or (2) tamper with a meter used to register the water consumed.

Section 9-709 provides that it shall be unlawful to fail to comply with a municipal order to remove "...any structure in, over, or under a public street, road or alley..." which obstructs construction or work on any water main, sewer or drain.

Section 9-715 provides that, at any reasonable time, it shall be unlawful to:

(1) Refuse to grant entry to any representative of the municipal authority who asks to enter on private property or into a building under this section; or

(2) Interfere with the carrying out of an official duty of any representative of any municipal authority under this section.

Section 4-2304. Penalty for Violation

Unless otherwise provided in Title 4 hereof, any violation of the provisions of this Article 2 shall be a general municipal infraction.

Section 4-2305. Unlawful use of fire hydrants.

It shall be unlawful for any person to draw water from, tamper with, destroy, or deface a fire hydrant. This section does not apply to a fireman at the scene of a fire or to a fireman on a training exercise using a hydrant approved in advance by the water superintendent or to a city employee in the course of his job duties. Violation of this section is a municipal infraction,

Title 4. Discharge of Wastes and Wastewater

Section 4-2401. Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this Title shall be as follows:

BOD (denoting biochemical oxygen demand). The quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at twenty degrees centigrade (20°C), expressed in milligrams per liter, as determined in accordance with the latest issue of APHA "Standard Methods for the Examination of Water and Wastewater" or by a method acceptable to the State Department of Health and other agencies having jurisdiction.

Building Drain. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building

and conveys it to the building sewer, beginning five (5) feet (one and five-tenths (1.5) meters) outside the inner face of the building wall.

Building Sewer. The extension from the building drain to the public sewer or other place of disposal, also called house connection.

Combined Sewer. A sewer intended to receive both wastewater and storm or surface water.

Floatable Oil. Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable fat if it is properly pre-treated and the wastewater does not interfere with the collection system.

Industrial Wastes. The wastewater from industrial processes, trade or business as distinct from domestic or sanitary wastes.

Interference.

(1) An inhibition or disruption of the wastewater treatment works or operations, or its sludge processes use or disposal which causes either a violation of any requirement of the wastewater treatment works discharge permit or prevents sewage sludge use or disposal by the wastewater treatment works in accordance with the following statutory provisions and regulations or permits issued under them:

(a) Section 405 of the Clean Water Act;

(b) The Solid Waste Disposal Act (SWDA) (including Title II more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and any State regulation contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA);

(c) The Clean Air Act; and

(d) The Toxic Substances Control Act.

(2) Damage to sewer systems and threats to wastewater treatment works worker and public health, safety and comfort.

Leachate. Wastewater produced by the percolation of rainwater through a municipal solid waste landfill.

Natural Outlet. Any outlet including storm sewers and combined sewer overflows into a watercourse, pond, ditch, lake or other body of surface or groundwater.

Pass Through. Discharge of pollutants through the wastewater treatment works into waters of the State in quantities or concentrations which cause a violation of any requirement of

the wastewater treatment works discharge permit.

pH. The logarithm of the reciprocal of the hydrogen ion concentration.

Pretreatment. Treatment of wastewaters from sources before introduction into the joint treatment works.

Properly Shredded Garbage. The wastes from the handling, preparation, cooking and/or serving of food, that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1/2") (one and twenty-seven hundredths (1.27) centimeters) in any dimension.

Public Sewer. A common sewer controlled by a governmental agency or public utility.

Qualified Analyst.

- (1) Any person holding an undergraduate degree in chemistry or in a closely allied field (e.g., biology, sanitary engineering); or
- (2) Any other person who has demonstrated competency in wastewater analysis by having analyzed satisfactorily a minimum of three (3); or Reference wastewater samples as supplied upon request by the approving authority.

Sanitary Sewer. A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

Septage. The liquid and solid material produced in individual onsite wastewater-disposal systems, principally septic tanks and cesspools.

Sewer. A pipe or conduit which carries drainage water or wastewater.

Sewerage System. See Wastewater Facilities.

Shall is mandatory; may is permissive.

Sludge. The accumulated semi-liquid suspension of settled solids deposited from wastewater, raw or treated, in tanks or basins.

Slug. Any discharge of water or wastewater, which in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty four (24) hour concentration, or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

Storm Drain (sometimes termed Storm Sewer). A sewer or drain for conveying water,

groundwater, subsurface water or unpolluted water from any source.

Suspended Solid (SS). Total suspended matter that either floats on the surface of or is in suspension in water, sewage or other liquids, and which is removable by laboratory filtering under standard laboratory procedure.

Wastewater. The spend water of a community. From the standpoint of source, it may be combination of the liquid- and water-carried wastes from dwellings, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and stormwater that may be present.

Wastewater Facilities. The structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

Wastewater Treatment Works. An arrangement of devices and structures for treating wastewater, industrial wastes and sludge.

Watercourse. A natural or artificial channel for the passage of water either continuously or intermittently.

Section 4-2402. Required Use of Public Sewers

(A) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the service area of the City's public sewer system or in any area under jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste.

(B) It shall be unlawful to discharge to any natural watercourse within the service area of the City's public sewer system or in any area under the jurisdiction of the City any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Title.

(C) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(D) The owner of all dwellings, buildings or properties used for human occupancy, employment, recreation or other purposes: situated within the service area of the City's public sewer system, is hereby required at his expense to install suitable toilet facilities therein, and shall connect such facilities directly with the proper public sewer in accordance with the provisions of this Title, within ninety (90) days after date of official City notice to do so.

(E) All privies, privy vaults, cesspools, septic tanks and drains on properties connected with a sanitary sewer shall be abandoned as soon as possible, and in no case later than thirty (30) days after the connection of such properties to such sanitary sewer, and left in such way that they cannot again be used or injuriously affect the public health; and all wells that are found by the City, or any public health authority having jurisdiction, to be polluted or a menace to health shall

likewise be abandoned and closed.

(F) Privies, privy vaults, cesspools, septic tanks, drains and polluted wells abandoned and closed pursuant to this section shall be subject to inspection by the Superintendent and by any public health authority having jurisdiction, and the owner of the property upon which any such abandoned and closed facility is located shall take such remedial action as may be prescribed by such inspector to assure that such closed and abandoned facility will not constitute a hazard to the public health or safety.

Section 4-2403. Building Sewers and Connections

(A) No authorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Planning Director.

(B) The application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City.

(C) All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify, defend and hold harmless the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(D) Each mobile home and/or trailer unit used for residential or commercial purposes, and having domestic water and/or sanitary facilities therein, shall be considered a separate and independent building, and as such shall have its own separate and independent building drain and building sewer.

(E) Where existing building sewers connect to a public sanitary sewer or public storm sewer are to be abandoned by reason of demolition of buildings and structures or for any other reason, they shall be disconnected and permanently sealed at the curb line or at the public sewer as directed by the Superintendent. Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the City, to meet all the requirements of this Title.

(F) The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the Frederick County Plumbing Code and/or other applicable rules and regulations of the City. In the absence of Plumbing Code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Public Health Association and Water Environmental Federation "Standard Methods for the Examination of Water and Wastewater" shall apply.

(G) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by

an approved means and discharged to the building sewer. Exceptions to this requirement shall be requested in writing and approved by the Superintendent.

(H) No person shall make connection of floor drains, roof down-spouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building drain or building sewer, which in turn is connected directly or indirectly to a public sanitary sewer.

(I) The connection of the building drain to the building sewer or the building sewer into the public sewer shall conform to the requirements of the Frederick County Plumbing Code and/or other applicable rules and regulations of the City or the procedure set forth in appropriate specifications of the American Public Health Association and the Water Federation "Standard Methods for the Examination of Water and Wastewater." All such connections shall be made gas tight and watertight. All connections of building sewer into the public sewer shall be performed by persons authorized by the Superintendent of Public Works. The prescribed procedures and materials must be approved by the Planning Director in coordination with Superintendent of Public before installation.

(J) The owner of any improved property shall maintain and repair the building drain and lateral at his own expense and shall remove all trees, tree roots and other obstruction of the building drain and lateral. Where such maintenance or repairs are neglected by the owner, the City may, ten (10) days after mailing written notice to the owner, make or cause to be made such maintenance or repairs as may be necessary and charge the owner of said improved property for the cost thereof.

(K) The applicant for the sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made in the presence of and under the supervision of the City or its representatives who shall be notified twenty four (24) hours before time for backfilling.

(L) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a satisfactory manner to the City.

Section 4-2404. Discharge to and Use of the Public Sewers

(A) No person shall discharge or cause or permit to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial waste to any sanitary sewer.

(B) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the City. Industrial cooling water or unpolluted industrial waste may be discharged to a storm sewer or natural outlet, on approval of the City and upon acquiring a National Pollution Discharge Elimination System Permit (NPDES Permit) from the Maryland Department of the Environment.

(C) No person shall discharge or cause or permit to be discharged any of the following described waters or wastes to any public sewers:

- (1) Any gasoline, benzene, naphtha, fuel oil, engine oil, fuel additives, paint products, organic solvents or other flammable or explosive liquid, solid or gas.
- (2) Any waters or wastes containing toxic, poisonous or in any way harmful solids, liquids or gases in sufficient quantity, which either singly or by interaction with other wastes, pass through or interfere with the Wastewater Treatment Works.
- (3) Any waters or wastes having a pH stabilized, lower than 6.0 or higher than 9.0, or having any other corrosive or scale forming property capable of causing damage or hazard to structures, equipment and personnel of the Wastewater Facilities and Wastewater Treatment Works or hinder and/or reduce the normal microbiological action, sludge conditioning and sludge dewatering capabilities of the Wastewater Treatment Works.
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the Wastewater Treatment Works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, ragas, feathers, tar, plastics, styrofoam, foam rubber, sanitary napkins, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, bones, paper dishes, cups, milk containers, rubber, leather, porcelain, china ceramic wastes, etc. either whole or ground by garbage grinders.
- (5) Any waters or wastes prohibited by any permit issued by the City, County, State and Federal government agencies.

(D) No person shall discharge, cause or permit to be discharged to any public sewer the following described substances, materials, waters or wastes in concentrations or quantities that will harm the sewers, Wastewater Treatment Works or Wastewater Facilities, have an adverse effect on the receiving stream, or will otherwise endanger lives, limb, public property or constitute a nuisance.

The limitations or restrictions on such substances, materials, waters or wastes or characteristics of waste or wastewaters discharged to the sanitary sewer are as follows:

- (1) Any liquid or vapor having a temperature higher than one hundred four degrees Fahrenheit (104°F), forty degrees Centigrade (40°C) or less than thirty two degrees Fahrenheit (32°F), zero degrees centigrade (0°C).
- (2) Wastewater containing more than one hundred (100) milligrams per liter of oil of an animal or vegetable origin or twenty-five (25) milligrams per liter of petroleum oil, non-biodegradable cutting oils, or other oil of mineral origin.

- (3) Wastewater from industrial plants containing floatable oils, fat or grease.
- (4) Any garbage that has not been properly shredded as defined in Section 4-2401. Garbage grinders may be connected to sanitary sewers from dwellings, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the handling, preparation, cooking and/or serving of food in kitchens for the purpose of consumption on the property or when served by caterers.
- (5) Any waters or wastes containing substances which are limited by the National Categorical Pretreatment standards (40 CFR 403.6). Standards may be set by the Mayor and Council when the National Standard is determined by certified laboratory to be insufficient to protect the Wastewater Facilities from adverse effects or when the National Standard has not been promulgated. Upon promulgation of National Categorical Pretreatment standards for a particular subcategory, the National Standards, if more stringent than the limitations imposed by the City for sources in the subcategory, shall immediately supersede the limitations imposed by the City. The Superintendent shall so notify all affected industrial waste dischargers who shall thereafter be subject to the reporting requirements of 40 CFR, Section 403.12.
- (6) Any waters or wastes containing phenols or any other taste or odor producing substances, in such concentrations exceeding limits which may be established by the City as necessary, after treatment of the waste water to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.
- (7) Any radioactive substances and/or isotopes of such half-life or concentration as may exceed limits established by the City in compliance with applicable State and Federal regulations.
- (8) Quantities of flow, concentration or both which constitute a slug.
- (9) Waters and wastes containing substances which are not amenable to Wastewater Treatment Works employed, or are amenable to treatment only to such degree that the Wastewater Facilities effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (10) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release noxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and Wastewater Treatment Works.
- (11) Any waters or wastes containing at any time total solids greater than 2,000 mg/l or of such character and quantity that unusual attention or expense is required to handle such materials in the sewerage system.
- (12) Any waters or wastes containing dye from any source that will not have an effluent

equivalent to that produced by alum coagulation and chlorination to remove suspended or colloidal matter and bleach the dissolved dyes.

(13) Any waters or wastes having an average daily chlorine demand in excess of 12 mg/l at a detention time of thirty (30) minutes.

(14) Industrial waste having an average daily BOD greater than 200 mg/l.

(15) Industrial waste having an average daily content of suspended solids greater than 220 mg/l.

(16) Industrial waste slugs having an average daily flow greater than five percent (5%) of the average daily sewage flow at the Wastewater Treatment Works.

(17) Septage shall not be discharged to the sewerage system.

(18) Leachate shall not be discharged to the sewerage system.

(E) The Superintendent may set limitations lower than the limitations established in (1) through (7) above if in his opinion, after consideration of the following factors, such lower limitations (i.e., stricter) are appropriate in the interest of the health, safety and welfare of the public. The Superintendent will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treat-ability of the waste in the wastewater treatment plant, and other pertinent factors.

(F) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4-2404(D), and which, in the judgment of the City, may have a deleterious effect upon the Wastewater Treatment Works, processes, equipment or receiving waters or sludge management, or which otherwise create a hazard to life or constitute a public nuisance, the City may, upon giving official notice to the discharger:

- (1) Reject the wastes;
- (2) Require pretreatment according to the Pretreatment Standards, as mandated by Code of Maryland Regulations (COMAR) to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rates of discharge;
- (4) Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this Article; and/or
- (5) Require immediate discontinuance of the waste discharge until such time as it meets the requirements of these regulations.

(G) Any person so notified shall immediately stop or eliminate the discharge. In the event the discharger shall fail to comply with the notice, the Superintendent of Public Works shall take such actions as are deemed reasonably necessary to prevent or minimize damage to the sewerage system or danger to persons or property, including, where in the opinion of the Superintendent of Public Works the danger is clear, present and substantial, immediate severance of the discharger's sewer connection to the sewerage system.

If the City permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the City, and subject to the requirements of all applicable Codes, ordinances, regulations and laws.

(H) Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent of Public Works, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private dwellings. All interceptors shall be of a type and capacity approved by the Superintendent of Public Works , and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owners shall be responsible for the proper removal and disposal, by appropriate means, of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Superintendent of Public Works or City engineer. Any removal and hauling of the collected materials not performed by owner's personnel must be performed by currently licensed waste disposal firms.

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(I) Where pretreatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(J) When required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure together with necessary meters and other appurtenances in the control structure to facilitate observation, sampling and measurement of the wastes. Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the City. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(K) The City may require a user of sewer services to provide information needed to determine compliance with this Title. The City may review and copy records to obtain the required information. These requirements may include:

- (1) Wastewater discharge peak rate and volume over a specified time period.
- (2) Chemical analyses of waste waters.
- (3) Information on raw materials, processes and products affecting wastewater volume and quality.

- (4) Quantity and disposition of specific liquid, sludge, oil, solvent or other material important to sewer use control.
- (5) A plot plan of sewers of the user's property showing sewer and pretreatment facility locations.
- (6) Details of wastewater pretreatment facilities.
- (7) Details of systems to prevent and control the losses of materials through spills to the public sewer.
- (8) Any other information required by the Flow Measurement, Sampling, Analysis and Monitoring Standards as adopted by the City Council.

(L) All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this Title shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined by or under the direct supervision of a qualified analyst at the control structure provided, or upon suitable samples taken at said control structure. In the event that no special structure has been required, the control structure shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling methods, locations, times, durations and frequencies are to be determined on an individual basis by the Superintendent.

(M) No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby any industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, by the industrial concern. Any national categorical pretreatment standards or State standards will not be waived by a special agreement.

Section 4-2405. Discharge of Wastewater into Storm Sewers

Discharge of wastewater into storm sewers shall not be permitted.

Section 4-2406. Industrial Waste Discharge Permit

(A) Prior to discharging or continuing the discharge of any industrial waste to the sewerage system, the owner of the improved property from which such discharge is proposed to be made shall apply to the City in writing for a permit to make such discharge. Application to continue discharge of industrial waste shall be made within sixty (60) days after passage of this Title.

(B) Application shall be made with all pertinent data, including but not limited to, estimated quantity of flow, character of waste, maximum rate of discharge and pretreatment facilities, together with any other information considered pertinent in the judgment of the approving authority.

(C) A fee of Ten Dollars (\$10) shall be charged for issuance of a discharge permit.

(D) An industrial waste discharge permit shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period of less than one (1) year or may be stated to expire on a specific date. The discharger shall apply for permit re-issuance a minimum of one hundred eighty (180) days prior to the expiration of the discharger's existing permit. The terms and conditions of the permit shall be subject to modification by the City during the term of the permit as discharge limitations or requirements as identified in Code of Maryland Regulations (COMAR) are modified or other just cause exists. The discharger shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(E) Within nine (9) months of the promulgation of a National Categorical Pretreatment standard, the Industrial Waste Discharge Permit of dischargers subject to such standards shall be revised to require and impose conditions to insure compliance with such standard within the time frame prescribed by such standard. Where a discharger, subject to a National Categorical Pretreatment standard, has not previously submitted an application for an Industrial Waste Discharge Permit as required by Subsection (A) of this Section, the discharger shall apply for an Industrial Waste Discharge Permit within one hundred eighty (180) days after the promulgation of the applicable National Categorical Pretreatment standard. In addition, a discharger with an existing Industrial Waste Discharge Permit shall submit to the Superintendent of Public Works within one hundred eighty (180) days after the promulgation of an applicable National Categorical Pretreatment standard, on forms to be provided by him, the information required by 40 CFR, Section 403.12(b) and the compliance schedule required by Subsection (c) of that Section. Within ninety (90) days following the date for final compliance with applicable Pretreatment Standards, or in the case of a new discharger, following commencement of discharge to the sewage system, any discharger of industrial waste subject to Pretreatment Standards shall submit a report to the approving authority upon forms to be provided by him containing the information required by 40 CFR 40J.12(d) and thereafter semi-annually in the months of June and December the report required by 40 CFR 403.12(e).

(F) Industrial Waste Discharge Permits will contain the following applicable special permit conditions:

- (1) An exception to the discharge standard set forth in Section 4-2404.
- (2) Limits on the average and maximum wastewater constituents and characteristics.
- (3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
- (4) Requirements for installation and maintenance of inspection and sampling facilities.

- (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.
- (6) Compliance schedules.
- (7) Requirements for submission of discharge reports.
- (8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the approving authority and affording access by the City thereto for reviewing and copying the plant records.
- (9) Requirements for notification of the City of any new introduction of wastewater constituents or any substantial change in volume or character of the wastewater constituents being introduced into the wastewater treatment system.
- (10) Requirements for notification of slug discharges.
- (11) Other conditions as deemed appropriate by the approving authority to ensure compliance with this Title.

Section 4-2407. Industrial Waste Contribution Report

- (A) Ten (10) days prior to the first (1st) day of March, June, September and December, each major contributor of industrial waste shall file with the City a report on the quality and quantity of their discharge. The report forms shall be similar to EPA 7550-22, Page IV-1
- (B) Major contributors shall consist of those whose total discharge exceeds five hundred (500) gallons per day, has in its waste a toxic pollutant or in the judgment of the Superintendent of Public Works would have a significant impact on the qualities of the City Wastewater Facilities effluent.

Section 4-2408. Pretreatment Compliance Enforcement

Notwithstanding the existence of any delegation agreement and to ensure compliance with the pretreatment requirements, the City may take any of the following action against an industrial user:

- (A) Seek injunctive relief necessary to prevent irreparable harm to the Wastewater Facilities, to the health and safety of Facilities workers, or to the environment.
- (B) Seek civil penalties.
- (C) Seek criminal penalties.
- (D) Impose a penalty or fine of not less than Two Hundred Fifty Dollars (\$250.00) for each day a violation of pretreatment standards or requirements occurs.

Section 4-2409. Drainage of Swimming Pools

(A) Drain lines from all commercial swimming pools in the City may be connected to storm sewers, and filter backwash lines shall be discharged to the sanitary sewerage system as follows:

(B) Sand filter backwash shall be discharged to the sanitary sewer, subject to the provisions set forth in Section 4-2404(f).

(C) Diatomaceous earth filter backwash shall be connected to the sanitary sewer through settling tanks with three (3) months storage capacity of spent diatomaceous earth, which tanks shall be readily accessible for removing solid waste for disposal.

Section 4-2410. Protection from Damage

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the Wastewater Treatment Works. Violation of this provision shall be a misdemeanor Class A.

Section 4-2411. Powers and Authority of Inspectors

(A) The Superintendent and other duly authorized employees or representatives of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Title.

(B) The Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The company may withhold information considered confidential. The company must establish that the revelation to the public of the information in question might result in an advantage to competitors.

(C) While performing the necessary work on private properties referred to in Subsection (A) of this Section, the Superintendent or duly authorized employees or representatives of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees or representatives and the City shall indemnify the company against loss or damage to its property by City employees or representatives and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operations, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 4-2404.

(D) The Superintendent and other duly authorized employees or representatives of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to,

inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private properties involved.

Section 4-2412. Sewer Extensions

(A) The City shall be solely responsible for any and all sewer extensions. No extension will be made except upon the written request of a property owner.

(B) The owner or owners applying for such sewer extension shall be responsible for the cost of making such an extension. Title to the sewer will be vested in the City, and the sewer shall at all times remain the sole property of the City and shall not be trespassed upon or interfered with in any respect. This property shall be maintained by the City and may be used as the City deems fit.

(C) When sewer facilities are to be constructed, the owner will furnish plans for review by the City and all other agencies having jurisdiction. These plans will denote location, profile and any other pertinent details required by agencies having jurisdiction. The City will also require a PWA spelling out the conditions by which a sewer will be extended.

(D) Before an extension of a sewer is made by the City, the property owner or applicant shall post security for the estimated cost of the sewer extension. Final adjustments will be made upon the receipt of all bills and expenses that may be incurred in the extension of a sewer. Any surplus security will be returned to the property owner. Any deficit held by the City will be billed to the property owner upon final accounting.

(E) The City will not be required to make any reimbursement to the property owner for additional connections to such sewers or enter into any type of buy-back agreements.

Section 4-2413. Penalties

(A) Any person found to be violating any provision of this Title, except Section 4-2410, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. In the event the violation has caused or can potentially cause physical damage to the sewerage works and/or degradation of the Wastewater Facilities effluent to the degree that it does not meet the current requirements of appropriate state or Federal regulatory agencies, the City shall require immediate correction of the violation or denial of service until satisfactory corrections are made.

(B) Any person violating any of the provisions of this Title shall become liable to the City for any expenses, loss or damage occasioned the City by reason of such violation.

Section 4-2414. Validity

(A) All ordinances or part of ordinances in conflict with this Title are hereby repealed.

(B) The invalidity of any section, clause, sentence or provision of this Title shall not affect the validity of any part of this Title which can be given effect without such invalid part of parts.

Title 5. Water and Sewer Rules and Regulations

Section 4-2501. Adoption of Water and Sewer Rules and Regulations

The City of Brunswick Water and Sewer Rules and Regulations, dated March 9, 2004 are hereby adopted as part of this Chapter and are incorporated herein in Addendum E.

CHAPTER 5
COMMERCIAL REGULATIONS

Article 1. Licenses and Permits

Title 1. General Provisions

Section 5-1101. Exemptions

Nothing in this Article shall be construed to require that a City license or permit be obtained by:

(A) Any person, firm or corporation required to obtain a State license under the provisions of the Business Regulation Article or the Business Occupations and Professions Article, Annotated Code of Maryland, unless expressly declared by this Article as necessary for regulatory purposes in the interest of the public health, safety or morals.

(B) Any person, firm or corporation making a sales presentation at a City residence in response to a request initiated by an occupant of that residence.

(C) Any person, firm or corporation making a sales presentation at a City residence in response to a request initiated by an occupant of that residence.

(D) Any news person who takes orders for the delivery of newspapers.

(E) Any person expressly excluded from the requirements of this Article.

Reviser's Note: For State law regarding the provisions of Subsection (A), see the Business Regulation Article and the Business Occupations and Professions Article of the Annotated Code of Maryland. The following business activities or occupations are among those required to obtain State licenses. (The specific number of the Section within the Business Regulation (BR) or Business Occupations and Professions (BOP) Article is indicated by the parenthesis following each business or occupation):

boxing and wrestling events (BR 4-301 et seq.); employment agencies (BR 9-101 et seq.); motor fuel and lubricants (BR Title 10); pawnbrokers (BR 12-101 et seq.); trading stamp companies (BR 13-101 et seq.); sale of business opportunities (BR 14-101 et seq.); franchises (BR 14-201 et seq.); cigarettes (BR 16-101 et seq., 16-201 et seq. and 16-301 et seq.); construction firms (BR 17-601 et seq.); wholesale dealers of farm machinery (BR 17-701 et seq.); garages for storage or for keeping vehicles for hire (BR 17-801 et seq.); hawkers or peddlers (BR 17-901 et seq.) junk dealers (BR 17-1001 et seq.); dry cleaners and laundries (BR 17-1101 et seq.); storage warehouses (BR 17-1201 et seq.); outdoor music festivals (BR 17-1401 et seq.); plumbers and gasfitters (BR 17-1501 et seq.); restaurants and eating places (BR 17-1601 et seq.); traders and chain stores (BR 17-1801 et seq.); vending machines (BR 17-1901 et seq.); architects (BOP Title 3); barbers and barbershops (BOP Title 4); cosmetologists and beauty shops (BOP Title 5) master electricians (BOP Title 6); foresters (BOP Title 7); landscape architects (BOP Title 9); plumbers (BOP Title 12); private detectives (BOP Title 13); land surveyors (BOP Title 15); real

estate brokers (BOP Title 17); hearing aid dealers (See Section 2-101 et seq. of the Health Occupations Article, Annotated Code of Maryland); and pharmacists (See Title 12 of the Health Occupations Article, Annotated Code of Maryland)

Section 5-1102. State Preempted Licenses

Nothing in this Article shall be construed to apply to the following areas of regulation which have been reserved by the State of Maryland for its exclusive control:

(A) Manufacturers, located and doing business in the State, who sell and deliver at the same time to licensed dealers or retailers in the State, but not directly to consumers.

(B) Growers or producers who sell fresh fruits, vegetables or other country produce at retail from a wagon. (BR §17-912(b))

(C) Nonresident traveling salesmen, sample merchants or representatives of foreign mercantile or manufacturing firms who sell to or solicit orders from licensed merchants in this State. (BR §17-912(c))

(D) The qualifications of persons engaged in the home-improvement business through the repair, replacement, remodeling, alteration, conversion, modernization, improvement, or addition to any land or building designed to be used as a dwelling; including:

(1) the construction, replacement or improvement of driveways, swimming pools, decks, piers, porches, garages, landscaping, fences, fall-out shelters,

(2) the installation of storm windows, awnings, fire alarms, and

(3) the connection, installation or replacement of dishwashers, disposals, refrigerators with icemakers or other appliances to existing exposed household plumbing lines. (BR §8-101(g))

(E) The privilege of engaging in the business of a collection agency. (BR §7-104)

(F) Persons engaged in buying, acquiring or trading commercially with members of the public in secondhand precious metals and gems. (BR §12-102(d))

Section 5-1103. Licenses or Permits Required; Conditions

No person shall engage in or carry on any business in the City for which a license or permit is required by the County or by the terms of this Article without first having obtained a license to do so. Applications for City licenses or permits shall be made to the City Administrator. The Mayor and Council or their duly authorized representative shall review each application and shall assure themselves that all City Code and ordinance provisions are complied with. No City license or permit shall be granted until payment for same shall have been made. The City license year shall begin on May 1 and extend to and include April 30.

Section 5-1104. Issuance of Licenses or Permits

Each license or permit issued under the provisions of this Article shall contain the name and address, and if an individual, the description of said individual to whom issued, and if issued to a firm, partnership, company or corporation, such license or permit shall contain the name of the firm, partnership, business, company or corporation, the address of its principal office or place of business, and in the case of a corporation, the name and address of its resident agent.

Section 5-1105. Authorized Licensees or Permittees

A license issued under the provisions of this Article to a firm, partnership, business, company, or corporation may be used by any of the employees of such firm, partnership, business, company, or corporation in the ordinary course of the business.

Section 5-1106. Display of Licenses or Permits

Each person, firm, business, company, partnership or corporation, or business enterprise of any type or description, authorized to operate by the City, County or State shall carry said license either in the vehicle, if any, operated in the course of said business, or upon his person, if an individual, or upon the premises of the business, if said business is conducted in a premises in the City, at all times while conducting said business, and the same shall be exhibited upon demand of any police officer of the City. Said license or permit shall be attached to the vehicle, if any, on the inside right-hand side of such vehicle and shall be visible at all times.

Section 5-1107. Suspensions and Revocations

(A) All City licenses or permits for the conduct of a business shall be subject to suspension by the City Administrator and to revocation by the Mayor and Council after a public hearing, if it is shown that such license or permit was erroneously issued or was obtained by fraud, misrepresentation or concealment of material facts, or that the business or the manner in which such business is conducted constitutes a public nuisance or a danger to the public health, safety or morals, or if such business is being conducted in violation of any law or ordinance of the United States, the State of Maryland, Frederick County or the City, or if such place of business is being used for any illegal purpose.

(B) Before any City license or permit shall be finally revoked, a notice of suspension shall be served on the holder by delivery to the holder's place of business or last known address, advising the holder of the reason for suspension of the license or permit and of the holder's right to appeal and to appear before a public hearing of the Mayor and Council no sooner than five (5) days from the date of notice and at a date and time to be stated therein to show cause why such license or permit should not be revoked. Failure to file a written appeal with the City Administrator before the date of the public hearing shall constitute a waiver of the holder's right of appeal and public hearing and shall result in an automatic final revocation of the holder's license or permit.

(C) If such a license or permit be suspended or revoked, it shall thereafter be unlawful for any person, firm or corporation to engage in or be employed in any business at any such location

until a suspension be stayed or until license or permit shall again be obtained. Filing of an appeal shall stay suspension of a license or permit, but shall not stay a revocation unless the Mayor and Council shall grant such a stay.

Section 5-1108. Payment of License or Permit Fees

All persons required to obtain an annual City license or permit shall apply in person to the City Administrator of the City of Brunswick for the same on or before the first Monday in May in each and every year, or if said day be a legal holiday, on the next succeeding business day thereafter and shall, at the time of so doing pay therefore to the City Administrator an annual fee as specified hereinafter in Article 2. When a license or permit is issued for a part of a year, the fee shall be calculated on a pro-rata basis.

Title 2. Regulated Establishments - Repealed

Reviser's Note: Restaurants and eating places are regulated by the State Health Department and are subject to State licensing and inspection requirements.

Title 3. Regulated Activities

Section 5-1301. Public Dances

It shall be unlawful for any person, club, organization, firm, corporation, of whatever type or description, within the corporate limits of the City to hold a public dance between the hours of 12:00 o'clock midnight and 12:00 o'clock noon and on national holidays, except that any bona fide civic or service organization may, by obtaining a permit as hereinafter provided, hold or conduct a public dance until the hour of 1:00 o'clock a.m. or upon a national holiday within the corporate limits aforesaid, provided that the purpose of such organization in holding such public dance is to raise funds for charitable, religious or civic purposes or enterprises. This Section shall not apply to private dwelling wherein dancing may be conducted or dance music performed for the amusement and enjoyment of the householders, members of their families and guests.

Section 5-1302. Fortunetelling and Palmistry -- Repealed

Maryland Court of Appeals struck down a Montgomery County ordinance and held Fortune Telling is protected 1st amendment speech. (6/10/10)

Section 5-1303. Public Entertainment

It shall be unlawful for any person, firm, company, partnership or corporation of whatever type or description, within the corporate limits of the City without first having obtained therefore a license as hereinafter provided from the City Administrator, , to conduct, manage or in anywise engage in as manager, proprietor, lessee or otherwise, or to exhibit any circus, carnival, merry-go-round or sideshow of any type or description, either for showing or parading in the City, or to have any theatrical performance or moving picture show or exhibition of any type or description, or for any exhibition of public entertainment of any type or description, whether or not an admission fee is charged for the same. Notwithstanding the forgoing licensing requirement, lectures on scientific, benevolent, artistic, religious or literary subjects, and any

necessary apparatus for the conduct of the same, and the use of specimens for fine art, and any exhibition, show or amusement for the benefit of any fire company of the City, or for any charitable, religious, or educational purposes shall be exempt from the provisions of this Section. The Mayor shall have the power to direct the City Administrator not to issue a license for any show, circus, theatrical performance or other entertainment of any type or description, whenever in his judgment the production or exhibition thereof would create a disturbance or disorder in the community, or be against the best interests of the City or the health, safety and welfare of its citizens; provided, however, that if the Mayor and Council should, by majority vote of its members, authorize the issuing of said license, then the same shall be issued by the City Administrator.

Section 5-1304. (Reserved)

Section 5-1305. Solicitors

No salesman, person, firm, partnership, corporation or any other business enterprise of any type or description, not having an established place of business within the corporate limits of the City, on the effective date of this Ordinance, shall sell, hawk, peddle, offer for sale, solicit orders, for merchandise or otherwise, at retail, unless said salesman, person, firm, corporation, partnership or business enterprise of whatever type or description shall have previously obtained an identification tag indicating an expiration date from the City Administrator of the City.

Reviser's Note: For State law prohibiting the sale or distribution of drugs and medicines on public streets or by means of a public show, see Section 21-1112 of the Health-General Article, Annotated Code of Maryland.

Title 4. Taxicabs

Section 5-1401. Definitions

The following words and phrases when used in this Title shall have the meanings respectively ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning.

Driver. The person in control of and operating or driving a taxicab on the streets of the City.

Owner. The person in whose name the taxicab has been registered by the State Department of Motor Vehicles.

Transportation Network Service Company. A company permitted by the Public Utilities Commission operating in the State of Maryland using a digital network to connect passengers to transportation network operators (drivers).
(Ordinance 519, 11/10/15)

Section 5-1402. Special Taxicab License Required

No taxicab owner shall operate or permit a taxicab to be operated within the corporate limits of the City without securing a special taxicab license for each vehicle from the City Administrator. A photograph of the driver shall be affixed by the owner to each license and a duplicate copy thereof shall be kept on file at City hall.

(Ordinance 519, 11/10/15)

Section 5-1403. Safety Certificate Required

No special taxicab license renewal application shall be processed without being accompanied by a Maryland inspection certificate.*(Ordinance 519, 11/10/15)*

Section 5-1404. Insurance Required

No taxicab shall operate within the corporate limits of the City nor shall any license be issued therefore, unless and until the owner shall deposit with the City for each such taxicab a certificate of coverage by a public liability and property damage insurance policy in the sum to be established from time to time by the Mayor and Council, such insurance policy to be procured from a liability insurance company authorized and licensed to do business in the State of Maryland. No certificate of insurance coverage shall be accepted by the City as complying with this Section if it contains any provision relieving the insurance company from liability because of the failure of the owner or driver to notify the insurance company of the happening of any accident resulting in bodily injury or property damage. Each certificate or policy shall contain a clause obligating the insurance company to give twenty (20) days written notice to the City before cancellation thereof. The license for the operation of any taxicab issued under this policy shall expire upon the lapse or termination of said policy, subject to reinstatement upon compliance with the provisions of this Section. In the event of reinstatement within the licensing period covered by the license previously issued, no new license fee shall be charged.

Section 5-1405. Display Required

Each taxicab shall display in full public view each of the following:

(A) Special taxicab license as required by Section 5-1106;

(B) Rate schedule card not less than three inches (3”) in width and four inches (4”) in length on which shall be printed in letters as large as the space will permit, a clear and understandable schedule of the rates established for the use of such taxicab.

Section 5-1406. Driving Record Restrictions

No person shall drive a taxicab within the City who shall have two or more convictions by a court of competent jurisdiction within twelve months for reckless driving or for three convictions by such Court within said period of exceeding speed limits or failure to observe signs or signals erected in accordance with law for the regulation and control of traffic. No person shall drive a taxicab within the City who shall have been convicted of manslaughter by automobile.

Section 5-1407. Assessment of Fees of Transportation Network Service Companies

Pursuant to the authority of and subject to the terms of Section 10-406 of the Public Utilities Article, commencing on July 1, 2015 and continuing thereafter a fee periodically established by the Mayor and Council shall be assessed for each trip generated by a Transportation Network Service company originating in the City. (*Ordinance 519, 11/10/15*
Reviser's Note: See Section 16-69 of the Municipal Charter of Brunswick.

Article 2. Revenues and Administrative Charges

Title 1. Fees

Section 5-2101. State Preempted Fees

Nothing in this Article shall be construed to authorize a fee or occupational tax upon any person, firm or corporation for transacting any business or engaging in any occupation for which a State license must be obtained under the provisions of *Section 1-204 of the Business Regulation Article, Annotated Code of Maryland*.

Section 5-2102. Annual License or Permit Fees

Except as otherwise stated in this Title, the annual license or permit fee for each business activity and occupation within the City shall be Fifty Dollars (\$50.00).

Section 5-2103. Taxicab License Fees

The annual license fee for each taxicab operated within the City shall be One Hundred Dollars (\$100.00).

Section 5-2104. Parking Space Fees

The Mayor and Council may establish an annual fee and authorize the City Administrator to issue annual Parking Space Permits for metered or non-metered parking spaces to provide ready office access for persons receiving or providing medical, dental, legal, or other professional services within the City.

Article 3. Franchises and Agreements

Title 1. Cable Television

Section 5-3101. This Title shall be known and may be cited as the Cable Television Ordinance Franchise for the City of Brunswick and is attached and incorporated into this Article 3 as Appendix F.

Chapter 6
Article 1. Vehicular Regulations

Title 1. General Provisions

Section 6-1101. Definitions

In this Article, the following words, terms, phrases, and their derivations shall have the meanings indicated.

Bicycle. Shall have that meaning as defined for the term “bicycle” in §11-104 of the Transportation Article of the Annotated Code of Maryland.

Official Signs. Places where stopping, standing, and/or parking is prohibited by official signs shall be posted in conformity with the manual and specifications for a uniform system of traffic control devices adopted from time to time by the State Highway Administration pursuant to Section 25-104 of the Transportation Article, Annotated Code of Maryland.

Operator. Every individual who shall operate a vehicle as the owner thereof, or as the agent, employee or permittee of the owner, or who is in actual physical control of a vehicle.

Park or Parking. The halting, stopping or standing of a vehicle, whether occupied or not, upon a street otherwise than temporarily, while actually engaged in receiving or discharging passengers or loading or unloading merchandise or while complying with traffic regulations, signs, signals or the directions of a police officer or while involuntarily stopping by reason of causes beyond the control of the operator of the vehicle.

Parking Meter. Any mechanical or electronic device not inconsistent with this Article placed or erected for the regulation of parking by authority of this Article. Each parking meter or device installed shall indicate the legal parking time established by the City and when operated shall indicate the balance of legal parking time, and at the expiration of such period shall indicate illegal or overtime parking.

Parking Meter Space. Any space within a parking zone, adjacent to a parking meter or designated zone governed by an electronic parking device and which is duly designated for the parking of a single vehicle by lines painted or otherwise durably marked on the curb or on the surface of the street adjacent to or adjoining the parking meters.

Parking Meter Zone. Any restricted area of a street upon which parking meters or electronic parking device are installed and in operation.

Recreational Vehicle. Any vehicle used or intended to be used as a conveyance upon public streets or highways, including self-propelled and non-self-propelled vehicles so designed, constructed and reconstructed or added to by means of accessories, including slide-in campers, as to permit the occupancy thereof as a temporary dwelling or sleeping place for one (1) or more persons, but not including a customized van or a pick-up truck with a cap.

Roller Skate. Any device worn on or attached to feet, which has two (2) or more wheels attached for the purpose of gliding or rolling on a floor, sidewalk or other ground surface. “Roller skate” includes those devices commonly known as “roller skates,” “roller blades,” and “in-line skates.”

Scooter. A two-wheeled vehicle that has handlebars; and is designed to be stood on by the operator. *Maryland Transportation Code definition, 11-154.1*

Skateboard. A short oblong board, having two (2) or more wheels at each end, which is intended to be ridden.

Street. Any public street, avenue, road, alley, highway, lane, path, or other public place located in the City and established for the use of vehicles.

Taxicab. As defined herein at §5-1401

Trailer. Any type of wheeled unit built or designed to be attached to a motorized vehicle, including camping trailer, travel trailer, boat trailer, or trailer for moving materials of any kind whatsoever.

Vehicle. Any device in, upon or by which any person or property is or may be transported upon a highway, except a bicycle or any device which is operated upon rails or tracks. (Am. Ord. 488, passed 2-23-2010)

Section 6-1102. Enforcement

(A) It shall be the duty of the Police Department to enforce the provisions of this Article. The provisions of Section 26-301 et seq. of the Transportation Article, Annotated Code of Maryland, shall be fully applicable to the enforcement of this Article.

(B) A notice of violation shall be attached to any vehicle parked in violation of the provisions of this Article; such notice shall indicate the nature of the violation, the time of violation, the payment due date, and the amount of liability for fines and penalties as determined from time to time by the Mayor and Council.

Section 6-1103. Penalty for Violation

Municipal infractions are civil offenses subject to the citation and prosecution processes laid out at Maryland Local Government Code Section 6-102. A person commits a municipal infraction when they violate a local ordinance, the violation of which the town or city council has identified as a municipal infraction. Local Government Code Ann. §6-102(a)(1).

Reviser's Note: Section 26-303, of the Transportation Article, Election to pay or stand trial; presence of officer at trial, provides the following:

(a) Election by person receiving citation. (1) The person receiving a citation under this subtitle shall: (i) Pay for the parking violation directly to the political subdivision or State

agency serving the citation; or (ii) Elect to stand trial for the violation. (2) An election to stand trial shall be made by sending a notice of intention to stand trial to the political subdivision or State agency at least 5 days before the payment date specified in the citation.

(b) When presence of officer required. (1) If a person elects to stand trial and desires the presence at trial of the officer who issued the citation; he shall so notify the political subdivision or State agency at the time the notice of intention to stand trial is given. (2) If proper notification is not given, the officer need not appear at the trial, and the copy of the citation bearing the certification of the officer is prima facie evidence of the facts stated in it.

Title 2. Parking

Section 6-1201. Installation of Signs and Meters

(A) Whenever it is necessary for the safety or control of vehicular or pedestrian traffic or for the regulation of the use of parking areas, the Mayor and Council is authorized to provide by resolution for the erection of "STOP," "NO PARKING," "SPEED LIMIT," "ONE WAY," and other traffic control and parking restriction signs designed to control, regulate, warn or guide traffic or limit parking on public streets, highways, parking lots, or other areas in the City. The Mayor and Council or their designee may authorize the placement of temporary traffic control devices to control, regulate, warn or guide traffic or limit parking on public streets, highways, parking lots, or other areas in the City. The Mayor and Council may also from time to time authorize, by resolution, the installation of parking meters or other devices to regulate parking in those places in the City as conditions may necessitate.

(B) The Superintendent shall provide for the installation, regulation, control, operation and use of the parking meters, or other devices to regulate parking, provided for in this Article, and shall maintain parking meters in designated areas in a good and workable condition.

(C) Parking meters or other devices to regulate parking installed in designated parking zones shall be at a location allowing effective parking enforcement. individual parking space. The expiration indicated by a parking device of such period shall indicate illegal or overtime parking.

(D) Lines or markings shall be placed upon the curb and/or upon the street, adjacent to each parking meter, so as to designate the parking meter space for which said parking meter is to be used. Vehicles shall park within the lines or markings provided.

(E) The Mayor and Council may provide by resolution that certain parking spaces, whether adjacent to a parking meter or not, may be used for a limited duration in order to prevent "meter feeding," or the parking in a single space for an extended duration of time by an operator of a motor vehicle. In the event that the Mayor and Council so restrict the duration of parking, signs shall be posted adjacent to the areas so restricted to notify operators of motor vehicles of the restrictions.

(Ord. 472, passed 11-27-2007)

Section 6-1202. Meter Revenues

The Mayor and Council may from time to time establish, by resolution, a schedule of parking meter rates.

The funds generated from the use of parking meters shall be used:

(A) To defray the expense of proper regulation of traffic upon the public streets of the City;

(B) To provide for the cost of supervision, regulation and control of the parking of vehicles in parking meter zones;

(C) To cover the cost of purchase, supervision, protection, inspection, installation, operation maintenance, control and use of parking regulation devices.

Section 6-1203. Meter or other parking regulation device Hours

No charge shall be made for the use of the parking zones on Sundays, legal holidays observed by Maryland State Government (on the actual date of the holiday and the date of the holiday observance), or during hours other than those specified in this section.

Meters or parking regulation devices shall be used between the hours of 9:00 a.m. and 5:00 p.m. daily.
(Ord. 472, passed 11-27-2007)

Section 6-1204. Meter or other parking regulation device Operation

Parking meters or other devices shall be maintained in a good and workable condition. Upon the deposit of a coin or combination of coins of the United States or other electronic method indicated upon the parking meter, the party wishing to park may do so for a limited time as indicated on the parking meter or electronic tracking device.

Section 6-1205. Resident Parking

The Mayor and Council may by resolution, from time to time, establish and modify a program for on-street parking by residents who meet established qualifications and who pay any designated registration fee for residential parking privileges.

Section 6-1206. Temporary Prohibition of Parking

The Mayor and Council or their designee may, from time to time, prohibit parking on all public streets, or those streets designated to permit the cleaning of streets, removal of trash, removal of snow, passage of parades, or other like purposes.
(Ord. 472, passed 11-27-2007)

Section 6-1207

Declaration of Snow Emergency Route – Potomac Street from Delaware Avenue to First Avenue

Whenever the accumulation of snow and/or ice or other conditions on Potomac Street from Delaware Avenue to First Avenue shall be such that it may impede or prevent the passage of emergency vehicles or the clearing of snow, the Mayor, after consultation with the Chief of Police and Superintendent or their designees, may declare the existence of a “snow emergency route” and shall give such notice of the existence and declaration thereof as shall be deemed proper.

(A) This action requires that parking is prohibited on the designated snow emergency route.

(B) No vehicle may be parked and left unattended on the snow emergency route two (2) hours or later after designation until the snow emergency route is lifted.

(C) The snow emergency route shall be appropriately marked with “No Parking” signs during the period of snow emergency, and with permanent signs which give the warning “No Parking During Snow Emergency,” posted at the beginning and end of the designated route.

(D) The Brunswick Police Department may take possession of, and have removed, any vehicle parked or abandoned in the snow emergency route two (2) hours after the designation has taken effect. Within a reasonable time period after a vehicle has been removed, the Brunswick Police Department shall notify the owner of the vehicle, who may then recover the vehicle upon paying all charges as may have been incurred for the removal and storage of the vehicle. Vehicles not removed within twenty-four (24) hours after the initial citation, may be subject to additional enforcement.

Title 4. Prohibitions

Section 6-1401.

All Vehicles-Prohibitions

(A) No person shall operate a vehicle within the corporate limits of the City at a speed of greater than twenty-five (25) miles per hour or as otherwise posted.

(B) No person shall operate a motor vehicle in a school zone at greater than fifteen (15) miles per hour during school hours and as otherwise posted during non-school hours.

Section 6-1402.

Commercial Vehicles-Prohibitions

(B) No person shall park any vehicle which has three (3) or more axles, gross vehicle weight over ten thousand (10,000) pounds and width in excess of ninety-six inches (96”), within the corporate limits of the City in zoning districts other than Industrial at any time except for a maximum limit of one (1) hour only while loading or unloading such vehicle from an unmetered space and a maximum of thirty (30) minutes while loading or unloading such vehicle from a parking meter space.

(C) No passenger shall enter or leave any taxicab by way of the left side of such taxicab.

(D) No taxicab shall be parked in any space other than a space designated by the City.

(E) No railroad car or engine of any description shall occupy a street crossing so as to prevent the passage of vehicles or pedestrian for more than five (5) minutes. In the event of an emergency, notification shall be made to the Frederick County Emergency Communications Center, who will in turn notify the CSX Corporation. (*Ord. 472, passed 11-27-2007*)

Section 6-1403. Trailers and Recreational Vehicles-Prohibitions

No person shall park for any length of time whatsoever, within the corporate limits of the City any trailer or recreational vehicle upon any public lands, streets or public thoroughfares, unless the parking of such vehicle is necessary for purposes of loading or unloading, in which event such loading or unloading shall be completed within two (2) hours, or unless authorized by a permit issued under the provisions of Section 6-1201 (E) et seq. of this Code.

Section 6-1404. Parking-Prohibitions

No person shall:

(A) Cause, allow, permit or suffer any vehicle registered in the name of, or operated by such person, to be parked overtime or beyond the period of legal parking time established for any parking meter zone as herein described.

(B) Permit any vehicle to remain or be placed in any parking meter space while said parking meter is displaying a signal or electronic or web-based program indicating the vehicle is parked beyond the period of time paid for by the operator.

(C) Park any vehicle across any line or marking of a parking meter space or in such a position that the vehicle shall not be entirely within the area designated by such lines or markings.

(D) Deface, injure, tamper with, open or willfully break, destroy, or impair the usefulness of any parking meter installed under the provisions of this Article.

(E) Deposit or cause to be deposited in any parking meter any slug, device, metal substance, or other substitute for legal coins.

(F) Park delivery trucks or commercial vehicles to load or unload in parking meter zones for a period longer than thirty (30) minutes without depositing coins into the parking meter.

(G) Park on any street in violation of a temporary prohibition of parking enacted by the Mayor and Council under the authority of Section 6-1206.

(H) Park in a parking meter space in excess of the time established by the Mayor and Council under the authority of Section 6-1201(E) or engage in "meter feeding."

(I) No person shall stop, stand or park a vehicle in any of the following places, unless necessary to avoid conflict with other traffic or unless in compliance with the direction of a police officer or traffic control device or unless as otherwise posted:

- (1) Within ten feet (10'), unless otherwise marked, of the intersection of any public or municipal street or alley, corner or crossing, in the City;
- (2) Within fifteen feet (15') of a fire hydrant;
- (3) Within twenty feet (20') of the driveway entrance to the fire station or any building used as fire halls;
- (4) Lengthwise and parallel to the side of the street, with the wheels of such vehicle next to the sidewalk at a distance greater than twelve inches (12") from the curb;
- (5) Across any street, lane or alley so as to obstruct the passage of vehicles or pedestrians;
- (6) In any other manner other than headed with the flow of traffic; provided that any such vehicle, while loading or unloading between the hours of 7:00 a.m. and 5:00 p.m., may stand against the flow of traffic so long as it does not interfere with the flow of traffic;
- (7) In restricted areas, properly designated by a yellow-painted curb or by the appropriate signs or markers; or
- (8) In any manner that causes the blocking or obstruction of any sidewalk.
- (9) Within 5 feet of the edge of a private driveway. The apron is considered part of the driveway.

(J) Park a vehicle on any street, alley or roadway designated as a snow removal route, within one (1) hour after the Maryland State Snow Emergency Plan being enacted.
(Ord. 472, passed 11-27-2007) STATE TERMINOLOGY

(K) Stopping, standing, or parking a vehicle in any properly designated disabled (handicap) parking space unless requirements of the Maryland Motor Vehicle Administration have been satisfied and placard/sticker is displayed.

(L) Stopping, standing, or parking a vehicle for more than fourteen (14) consecutive days.

Reviser's Note: Section 25-101.1 of the Transportation Article, Annotated Code of Maryland expressly prohibits the making or enforcing of any local law, ordinance or regulation on any subject covered by the Maryland Vehicle Law, unless such power is otherwise provided in a public local law. Section 25-101.1 also provides that all public local laws, ordinances and regulations which are inconsistent, identical or equivalent to any provision in the Maryland Vehicle Law are repealed. Section 26-301 of the Transportation Article, Annotated Code of

Maryland does otherwise empower political subdivisions of the State to adopt vehicular parking ordinances or regulations which may supplement the State's vehicular parking laws set forth at Section 21-1001 et seq.

Section 6-1406. Skateboards, Roller Skates, Roller Blades and In-line Skates-Prohibitions

(A) No person shall ride, propel or otherwise operate or use any skateboards or roller skates on the roadway or sidewalks located on East Potomac Street from Maple Avenue to Third Avenue, or on West Potomac Street from Maple Avenue to Dayton Avenue, or on South Maple Avenue from Potomac Street to the Brunswick Railroad Station, or on North Maple Avenue from Potomac Street to a street.

(B) No person shall, unless otherwise permitted and posted, ride, propel or otherwise operate any skateboard or roller skates on any public tennis court or multipurpose athletic courts located in the public parks of the City.

(D) No person shall operate a skateboard or roller skates between dusk and dawn.

(E) Violation of this Section shall constitute a municipal infraction Class E. In addition, the skateboard or roller skates involved in such municipal infraction may be impounded by the Brunswick Police Department. Upon payment of the fine, the skateboard or roller skates may be reclaimed by the owner thereof or the parent or other legal guardian if the violator is under the age of eighteen (18).

(F) The Mayor and Council may from time to time by resolution revise the prohibitions herein set forth. *(Ord. 441, passed 8-22-2006)*

Article 2. Police Regulations

Title 1. General Provisions

Section 6-2101. Purposes

The provisions of this Article are declared as necessary for the purposes of protecting and promoting the public safety, preserving peace and good order, securing persons and property from violence, danger and destruction, suppressing vagrancy and gambling, and suppressing, abating and discontinuing all nuisances.

Reviser's Note: The State of Maryland has enacted police regulations which apply within jurisdictions throughout the State. For State law as to crimes and offenses generally, see the Criminal Law Article of the Maryland Code 2017.

Section 6-2102. Definitions

In this Article, the following words, terms, phrases, and their derivations shall have the meanings indicated.

Civil Emergency or Disorder. Any riot and/or disorderly picketing or demonstrating or an unlawful assembly characterized by the actual use of force and violence or of any threat to use force and violence, if accompanied by the immediate ability to execute the same by two (2) or more persons acting together, or any natural disaster or man-made calamity, including, but not limited to, flood, conflagration, cyclone, earthquake, tornado, explosion or complete electrical blackout or power failure within the corporate limits of the City, resulting in the death or injury to persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public safety and welfare.

Child in Need of Supervision. A child who requires guidance, treatment, or rehabilitation and who has committed an offense applicable only to children.

Curfew Hours. The hours of 12:00 a.m. through 6:00 a.m. on or during any day or days of the week.

Curfew Order. A prohibition against any person or persons walking, running, loitering, standing, remaining or motoring upon any of the alleys, streets, highways, public property, private or vacant property within the corporate limits of the City, excepting such person who may have been officially designated to perform certain duties in connection with a civil emergency or disorder.

Dangerous Weapon. Any knife, slingshot, billy club, metal knuckles or firearm, of any kind or description, capable of being used to inflict bodily harm.

Emergency. Unforeseen circumstances, or the status or condition resulting therefrom, requiring immediate action to safeguard life, limb or property. The term includes, but is not limited to, fires, natural disasters, automobile accidents, or other similar circumstances.

Establishment. Any privately-owned place of business within the City operated for a profit, to which the public is invited, including but not limited to, any place of amusement or entertainment.

Firearms. Any gun, spring gun, rifle, air rifle, pistol, revolver, cannon, torpedo, or other dangerous weapon of any character, capable of propelling a projectile of any kind whatsoever.

Fireworks. Any firecracker, rocket, squib or other unauthorized explosive, but not including sparklers containing no chlorates or perchlorates.

Intoxicating Beverage. Any alcohol, brandy, whiskey, rum, gin, cordial, beer, ale, port, stout, wines, ciders, and any other spirituous, vinous, malt or fermented liquor, liquor or compound, by whatever name called, containing one-half of one per centum or more of alcohol by volume, which is fit for beverage purposes.

Juvenile. Any person under eighteen (18) years of age who has not been emancipated within the meaning of Maryland law.

Loiter. To remain idle in one location; to saunter; to stand around; to linger; to “hang around.”

Obstruction. Any act to, or tending to, hinder, impede or prevent the free and uninterrupted, lawful use of property by and lawful passage of pedestrians, vehicles or traffic, including acts to prevent free and uninterrupted ingress to or egress from a public place or establishment.

Officer. A police or other law enforcement officer charged with the duty of enforcing the laws of the State, the County, and/or the ordinances of the City.

Operator. Any person, firm, limited liability company, association, partnership (and members or partners thereof), corporation (and the officers thereof), and/or any other legal entity conducting or managing any establishment.

Parent. Refers to:

(1) A person who is a juvenile's biological or adoptive parent and who has legal custody of a juvenile (including either parent, if custody is shared under a court order or agreement);

(2) A person who is the biological or adoptive parent with whom a juvenile regularly resides; and/or

(3) A person judicially appointed as a legal guardian of the juvenile.

Person. Refers only to an individual, and not to any association, corporation, or any other legal entity.

Public Place. Any place to which the public or a substantial group of the public has access, including, but not limited to, streets, highways, roads, sidewalks, alleys, avenues, parks, and/or the common areas of schools, hospitals, apartment houses, office buildings, transportation facilities and shops.

Remain. Refers to the following actions:

(1) To linger or stay at or upon a place; and/or

(2) To fail to leave a place when requested to do so by an officer or by the owner, operator or other person in control of that place.

Sound-Amplifying Equipment. The words “sound-amplifying equipment” shall mean any machine or devices for the amplification of the human voice, music or other sound. “Sound-amplifying equipment” shall not be construed as including standard automobile radios when used and heard only by occupants of the vehicle in which installed or warning devices on authorized emergency vehicles or other vehicles used only for traffic safety purposes.

Sound Truck. The words “sound truck” shall mean any motor vehicle having mounted thereon, or attached thereto, any sound-amplifying equipment.
(Am. Ord. 489, passed 2-23-2010)

Title 2. Public Safety Offenses

Section 6-2201. Discharge of Firearms

It shall be unlawful for any person to fire, discharge or set off any firearm within the City without a written permit from the Chief of Police; provided, however, that this Section shall not apply to the use of firearms by law enforcement officers in the lawful discharge of their duties, or by members of any military company when engaged in drilling or target practice under the command or direction of an officer thereof.

Section 6-2202. Possession of Dangerous Weapons

It shall be unlawful for any person, other than a law enforcement officer, to wear or carry concealed, without a valid license, or to carry openly in a threatening or reckless manner, any dangerous weapon within the City; provided, however, that this Section shall not act as a restriction on the wearing, carrying or transporting of handguns nor on the possession by private parties of pistols and revolvers as are exclusively regulated by the State.

Reviser's Note: For State laws regarding the carrying of small firearms, see Sections 4-101 and 4-201 et seq., of the Criminal Law Article and Title 5, Subtitle 3 of the Public Safety Article, Annotated Code of Maryland.

Section 6-2203. Discharge of Fireworks

It shall be unlawful for any person to discharge fireworks within the City without a written permit from the Mayor and Council; provided, however, that this Section shall not apply to the industrial or commercial use of explosives in the normal course of business, to the use of signal devices essential to promote safety in the operation of motor vehicles, boats or railroads, or to State Fire Marshal permitted uses by farmers of firecrackers, salutes or cherry bombs, with slow-burning fuse ropes, to control destructive birds and animals; and further provided that this Section shall not be enforced in contradiction to the laws of the State of Maryland.

Reviser's Note: For State laws regarding fireworks, see Title 10 of the Public Safety Article, Annotated Code of Maryland.

Section 6-2204. Throwing of Objects

It shall be unlawful for any person to intentionally throw or propel any object, including but not limited to bricks, stones or other missiles, into the air with the result or intended result of injuring the person or property of another within the City.

Reviser's Note: For State law regarding the throwing of missiles into occupied vehicles or instrumentalities of public transportation, see Section 6-302 of the Criminal Law Article, Annotated Code of Maryland.

Section 6-2205. Resisting a Law Enforcement Officer

It shall be unlawful for any person to interrupt, resist, interfere with, strike, injure or oppose any City police officer engaged in the discharge of official duties.

Section 6-2206. Riotous and Tumultuous Acts

(A) It shall be unlawful for any person to participate in any assemblage of two (2) or more persons engaged within the City in an affray, riotous demonstration or other violent and turbulent behavior by which property is taken away, injured or destroyed, and thereafter to fail to obey the lawful command of any law enforcement officer to disperse or peacefully disengage and leave the scene of such assembly.

(B) It shall be unlawful for any person to violate a Curfew Order or any other order issued by written proclamation of the Mayor and Council declaring the existence of a civil emergency or disorder.

Reviser's Note: For State law regarding municipal liability to property owners for property taken away, injured or destroyed by any riotous or tumultuous assemblage of people, see Sections 14-1001 et Seq., Public Safety Article, Annotated Code of Maryland.

Section 6-2207 Harassment, injuring, maiming and killing of police canine prohibited.

(A) It shall be unlawful for any person:

(1) To taunt, torment, tease, annoy, harass, alarm or otherwise interfere with any dog or canine used by the Brunswick Police Department or other municipal, county or state law enforcement agency or department in the performance of the law enforcement functions or duties of such department or agency within City limits; or

(2) To injure, poison, maim or kill any dog or canine used by the Brunswick Police Department or other municipal, county or state law enforcement agency or department in the performance of the law enforcement functions or duties of such department or agency within City limits; or ;

(3) Violation of this subsection is declared to be a Class A misdemeanor. The penalty for violation of this subsection, upon conviction, shall be a fine in an amount not to exceed five hundred dollars (\$500.00) or imprisonment for not more than ninety (90) days, or both.

Title 3. Public Conduct Offenses

Section 6-2301. Destruction of Property

(A) It shall be unlawful for any person to injure, remove or destroy any property of any kind, real or personal, in any of the public parks, playgrounds or public places within the City.

(B) It shall be unlawful for any person to willfully and maliciously injure, destroy, deface or, without express authorization from the owner, tamper with or otherwise interfere with the functioning of any lawfully existing private or public structure, including any dwelling, outbuilding, fence, gate, sign, streetlight, fire hydrant, dumpster, or temporary safety barrier, light or flare indicating a need for caution.

(C) It shall be unlawful for any person to willfully and maliciously injure, destroy, unlawfully disturb or, without express authorization from the owner, otherwise break any private or public grounds, tree or cultivated planting.

Reviser's Note: For State laws regarding destruction of the property of another, destruction of railroad property, destruction of water meters, and theft of grocery carts, see Sections 6-301, 6-303-6-305, 6-501 et seq., and 7-201, Criminal Law Article, Maryland Code 2017

Section 6-2302. Use or Possession of Intoxicating Beverages

(A) It shall be unlawful for any person to consume any intoxicating beverage in or on private property within the City without the express consent of the owners of such property.

(B) It shall be unlawful for any person, without a City permit/License, to give away or distribute any intoxicating beverage on any public property within the City.

(C) It shall be unlawful, from any private property within the City, for any person to give away or distribute any intoxicating beverage with the result that a public disturbance is caused on or about such private property.

(D) It shall be unlawful for any person to consume any intoxicating beverage in or on any of the public parks, public ways, streets and alleys, or other public areas within the City, without approval of Mayor and Council.

(E) It shall be unlawful for any person to possess in an open container any intoxicating beverage while in or on any of the public parks, public ways, streets and alleys, or other public areas within the City without approval of Mayor and Council or on any private property, including parking lots or areas, that is used by the public in general unless authorized by the owner.

(Ordinance 526, 5/23/17)

Reviser's Note: State law preempts municipalities from adopting ordinances identical or supplemental to prohibitions against persons: (1) being intoxicated and endangering the safety of another person or property, or (2) being intoxicated or drinking any alcoholic beverage in a public place and causing a public disturbance. See §6-210 and §6-320 of the Alcoholic Beverages Article, Annotated Code of Maryland.

Section 6-2303. Disorderly Conduct

It shall be unlawful for any person:

(A) To run after, hold to or hang onto any moving vehicle within the City.

(B) To hold to or hang onto any standing vehicle within the City without the express consent of the vehicle owner.

(C) To interfere with any person within the City by taking hold of him or in any way obstructing the free passage of any person upon or along the sidewalks, footways, streets, parks, picnic area, or in any public building or place for the purpose of begging or soliciting from him any monies or things.

Reviser's Note: For State law concerning disorderly conduct, see Section 10-201, Criminal Law Article, Annotated Code of Maryland.

Section 6-2304. Indecent Exposure

(A) It shall be unlawful for any person to make an indecent and offensive exposure of his person in any public place.

(B) Violation will be a municipal infraction.

Reviser's Note: For State law regarding indecent exposure, see §11-107 Indecent Exposure of the Criminal Law Article, Annotated Code of Maryland.

Section 6-2305. Juvenile Curfew

(A) The purpose of this section is to:

(1) Promote the general welfare and protect the general public through the reduction of juvenile violence and crime within the City;

(2) Promote the safety and well-being of the city's youngest citizens, persons under the age of eighteen (18), whose inexperience renders them particularly vulnerable to becoming participants in unlawful activities, particularly unlawful drug activities, and to being victimized by older perpetrators of crime; and

(3) Foster and strengthen parental responsibility for children.

(B) It shall be unlawful for a juvenile, during curfew hours, to remain in or upon any public place within the City, to remain in any motor vehicle operating or parked therein or thereon, or to remain in or upon the premises of any establishment within the City, unless:

(1) The juvenile is accompanied by a parent; or

- (2) The juvenile is involved in an emergency; or
- (3) The juvenile is engaged in an employment activity, or is going to or returning home from such activity, without detour or stop; or
- (4) The juvenile is on the sidewalk directly abutting a place where he resides with a parent; or
- (5) The juvenile is attending an activity sponsored by a school, religious, or civic organization, by a public organization or agency, or by another similar organization or entity, which activity is supervised by adults, and/or the juvenile is going to or returning from such an activity without detour or stop; or
- (6) The juvenile is on an errand at the direction of a parent, and the juvenile has in his possession a writing signed by the parent containing the following information: the name, signature, address and telephone number of the parent authorizing the errand, the telephone number where the parent may be reached during the errand, the name of the juvenile, and a brief description of the errand, the juvenile's destination(s) and the hours the juvenile is authorized to be engaged in the errand; or
- (7) The juvenile is involved in interstate travel through, or beginning or terminating in the City; or
- (8) The juvenile is exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly.

(C) It shall be unlawful for a juvenile's parent to knowingly permit, allow or encourage such juvenile to violate this section.

(D) It shall be unlawful for a person who is the owner or operator of any motor vehicle to knowingly permit, allow or encourage a violation of this section.

(E) It shall be unlawful for the operator of any establishment, or for any person who is an employee thereof, to knowingly permit, allow or encourage a juvenile to remain upon the premises of the establishment during curfew hours. It shall be a defense to prosecution under this subsection that the operator or employee of an establishment promptly notified the Police Department that a juvenile was present at the establishment after curfew hours and refused to leave.

(F) It shall be unlawful for any person (including any juvenile) to give a false name, address, or telephone number to any officer investigating a possible violation of this section.

(G) A violation of this section shall be a municipal infraction Class D, punishable by a fine not to exceed Twenty-Five Dollars (\$25.00).
(Am. Ord. 489, passed 2-23-2010)

Section 6-2306. Marijuana

(A) A police officer shall issue a municipal citation to a person who the police officer has probable cause to believe has committed a violation of §5-601 or §5-619 of the Criminal Law Article of the Annotated Code of Maryland (or Maryland Annotated Code) involving the use or possession of less than ten (10) grams of marijuana or possession of paraphernalia.

(B) A violation of §5-601 or §5-619 involving the use or possession of less than ten (10) grams of marijuana or possession of paraphernalia is a municipal infraction. Violation of this Section shall constitute a municipal infraction Class C as enumerated at Section 10-2202.

(C) A citation issued for a violation of §5-601 or §5-619 involving the use or possession of less than ten (10) grams of marijuana or possession of paraphernalia shall be signed by the police officer who issues the citation and shall contain:

- (1) the name, address, and date of birth of the person charged;
- (2) the date and time that the violation occurred;
- (3) the location at which the violation occurred;
- (4) the fine that may be imposed;
- (5) a notice stating that prepayment of the fine is allowed, unless the person to whom the citation was issued is under the age of twenty-one (21) (the court shall summon the person for trial) or if the court has found that a person at least twenty-one (21) years of age has at least been twice previously found guilty under §5-601 (the court shall summon the person for trial); or
- (6) a notice in boldface type that states that the person shall:
 - (a) pay the full amount of the preset fine; or
 - (b) request a trial date at the date, time, and place established by the District Court by writ or trial notice.

Title 4. Public Nuisance Offenses

Section 6-2401. Refusal or Neglect to Abate

It shall be unlawful for any person, being responsible for creating or causing or maintaining any of the public nuisances set forth in this Code, to refuse or neglect to comply with the order of a City official or police officer to remove, abate or discontinue a public nuisance within a reasonable time indicated by such official or police officer.

Section 6-2402. Enumerated Public Nuisances

It shall be a public nuisance to create or to cause or to maintain within the City or within one half (1/2) mile of the corporate limits of the City, any of the following conditions which directly or by their consequence cause injury or annoyance to the general public:

(A) House of Prostitution

For purposes of this Section, a House of Prostitution is defined as a blatant and/or noisome place for licentious commerce, including a house of ill fame, a disorderly, lewdness or assignation.

(B) Disorderly Place.

For purposes of this Section, a Disorderly Place is defined as any property at which a duly authorized Law Enforcement Agency (e.g. Brunswick Police Department, Frederick County Sheriff's Office, Maryland State Police) has documented two (2) or more disorderly events within any twelve (12) calendar month period. A "disorderly event" is defined as a situation, activity or incident created within or in the immediate vicinity of a property by a property's owner, occupants, or tenants, or the invitees of an owner, tenant, or occupant, which would have a tendency to disturb unreasonably the community, the neighborhood, or an ordinary individual occupying property in or near the disorderly situation, activity or incident, including but not limited to loud music; boisterous parties; excessively loud noise, repeated police responses for violations or unnecessary noises emanating from within or near the property which are audible outside the building; fights within the property or in its vicinity involving occupants of the property or their invitees; occupants of the property or their invitees being intoxicated outdoors in the vicinity of the property; and other similar situations, activities or incidents at the property or in the vicinity of the property. This section applies to the owner and occupants of the property. *Ordinance 516, 8/11/15*

(C) Unremoved Snow or Ice. For purposes of this Section, unremoved snow or ice is defined as a hazardous condition resulting from an accumulation of snow or ice upon any sidewalk within the City. The owners and occupants of properties abutting a sidewalk shall:

- (1) Remove or cause the removal of snow and ice for a width of at least four feet (4') for the entire length of any sidewalk abutting their property;
- (2) Refrain from depositing or causing a deposit of removed snow or ice upon any public street, road, highway or alley;
- (3) Remove or cause the removal of snow and ice within eight (8) hours after a snowfall or before 2:00 p.m. of the next day following a snowfall between the hours of 5:00 p.m. and 7:00 a.m.; and
- (4) Be charged a removal cost in the event that the City shall have caused the removal of accumulated snow and ice upon failure of the owner and occupant to comply with the City's notification and order to remove such snow and ice.

Title 5. Special Enforcement Provisions

Section 6-2501. Curfew; Civil Emergencies or Disorders

Whenever the existence of a civil emergency or disorder has been declared by the Mayor or, in the Mayor's absence, by a majority of the Council, the Mayor shall issue a written proclamation to the general public through the public news media and by a public posting at the City Hall. The proclamation may include a Curfew Order to apply to the City, in whole or in part, for specified hours of the day and/or night as necessary to protect the safety and general welfare of the City. In addition to a Curfew Order, the proclamation may:

- (A) Order the closing of all retail liquor outlets.
- (B) Order the closing of all outlets, including taverns, which sell beer or other intoxicating beverages.
- (C) Order the closing of all private clubs wherein the consumption of intoxicating beverages is permitted.
- (D) Ban the distribution, whether by sale, gift or otherwise, of all flammable or combustible liquid products, including, but not limited to, gasoline in any container other than directly into the gasoline tank of an automobile which gasoline tank must be affixed to and be an integral part of such motor vehicle.
- (E) Order the closing of any and all establishments whose chief activity or purpose for being open is to distribute in any fashion, whether by sale or otherwise, flammable and/or combustible liquid products, including, but not limited to, gasoline.
- (F) Order the discontinuance of the distribution in any fashion, whether by sale or otherwise, of any firearms or ammunition of any type or description whatever.
- (G) Order the closing of some, or all, establishments which distribute in any fashion, whether by sale or otherwise, firearms or ammunition of any type or description.
- (H) Order the closing of all streets, ways, alleys and other public passageways within the corporate limits of the City.
- (I) Issue any and all other orders deemed necessary for the protection of the citizens and property of the City.

Article 3. Fire Regulations

Title 1. Offenses

Section 6-3101. Fire Lines

It shall be unlawful at the scene of a fire for any person, unless expressly authorized by

firefighter or law enforcement personnel, to pass beyond lines established by such personnel to secure the fire scene and to protect persons or property from injury.

Section 6-3102. Interference with Fire Apparatus

It shall be unlawful for any person to tamper with, abuse, injure, deface, harm or destroy any fire hydrant or any fire apparatus, whether or not in use.

Reviser's Note: For State laws regarding obstruction of firefighters and false representation of a firefighter, see Sections 6-602 and 7-402, Public Safety Article, Annotated Code of Maryland. For State laws regarding driving over fire hose, see Section 21-1110 of the Transportation Article, Annotated Code of Maryland.

CHAPTER 7

DEVELOPMENT REGULATIONS

Article 1. Ordinances Included by Reference

Title 1. Zoning Ordinance

Section 7-1101. **Inclusion of Zoning Ordinance by Reference**

The City of Brunswick Zoning Ordinance, adopted 1967, and all amendments and revisions thereto are hereby incorporated into the Brunswick Code of Ordinances by reference. A copy of the Zoning Ordinance shall be maintained at City Hall.

Title 2. Subdivision Regulations

Section 7-1201. **Inclusion of Subdivision Regulations by Reference**

The City of Brunswick Subdivision Regulations, adopted 1967, and all amendments and revisions thereto are hereby incorporated into the Brunswick Code of Ordinances by reference. A copy of the Subdivision Regulations shall be maintained at City Hall.

Title 3. Floodplain Ordinance

Section 7-1301. **Inclusion of Floodplain Ordinance by Reference**

The City of Brunswick Floodplain Ordinance, adopted 2007, and all amendments and revisions thereto are hereby incorporated into the Brunswick Code of Ordinances by reference. A copy of the Floodplain Ordinance shall be maintained at City Hall.
(Ord. 470, passed 8-28-2007)

Title 4. Adequate Public Facilities Ordinance

Section 7-1401. **Inclusion of Adequate Public Facilities Ordinance by Reference**

The City of Brunswick Adequate Public Facilities Ordinance, adopted 1999, and all amendments and revisions thereto are hereby incorporated into the Brunswick Code of Ordinances by reference. A copy will be available at City Hall.

Title 5. International Property Maintenance Code

Section 7-1501. **Inclusion of International Property Maintenance Code by Reference**

The City of Brunswick International Property Maintenance Code, adopted 2014, and all amendments and revisions thereto are hereby incorporated into the Brunswick Code of Ordinances by reference. Copies of the International Property Maintenance Code shall be maintained at City Hall. *(Ord. 508, passed 5-13-2014)*

CHAPTER 8

DEVELOPMENT IMPACT FEES PROCESS

Article I. In General

Section 8-1101. Title

This Chapter shall be known and cited as the City of Brunswick Development Impact Fee Ordinance.
(Ord. 480, passed 4-14-2009)

Section 8-1102. Purpose and Intent

The purposes and intent of these development impact fees and procedures are:

(A) To establish uniform procedures for the imposition, calculation, collection, expenditure and administration of development impact fees imposed on new development;

(B) To ensure that new development is reasonably benefited by the provision of the public facilities provided with the proceeds of development impact fees; and

(C) To ensure that all applicable legal standards and criteria are properly incorporated in these procedures.
(Ord. 480, passed 4-14-2009)

Section 8-1103. Definitions

(A) In the interpretation and construction of this Chapter, the following rules of construction shall apply:

(1) The word "shall" is always mandatory and not discretionary and the word "may" is permissive.

(2) Words used in the present tense shall include the future; and words used in the singular shall include the plural and the plural the singular, unless the context clearly indicates the contrary; use of the masculine gender shall include the feminine gender.

(3) The phrase "used for" includes "arranged for," "designed for," "maintained for," or "occupied for."

(4) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or" or "either... or," the conjunction shall be interpreted as follows: materials or equipment, land excavation, land clearing, land improvement, landfill operation, or any combination thereof; and any change in the use of a building for which a building permit/zoning certificate is required by law.

(a) "and" indicates that all of the connected terms, conditions, provisions or events shall apply.

(b) "or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.

(c) "either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

(5) The words "includes" and "including" shall not limit a term to the specific example but are intended to extend its meaning to all other instances or circumstances of like kind or character.

(B) The words or phrases used in this Chapter shall have the meaning prescribed in this current Code except as otherwise indicated herein:

Applicant. Any individual, firm, corporation, partnership, association, society, syndication, trust, or other legal entity which files an application with the City for a building permit/zoning certificate.

Appropriation or To appropriate. An action by the Mayor and Council to identify specific public facilities for which development impact fee funds may be utilized. **Appropriation** shall include: listing of a public facility in the adopted City budget or Capital Improvements Program; execution of a contract or other legal encumbrance for construction of a public facility using development impact fee funds in whole or in part; or actual expenditure of development impact fee funds through payments made from a development impact fee account.

Building. A structure having one or more stories and a roof, designed primarily for the permanent shelter, support or enclosure of persons, animals or property of any kind.

Building Permit/ Zoning Certificate. The official document or certificate issued by the City and/or the County under the authority of ordinance or law, authorizing the commencement of construction of any building or part thereof or authorizing a change in use.

City Administrator. The City employee or officer designated by the Mayor and Council as responsible for assisting the Mayor and Council in the preparation of the City budgets.

City Attorney. The person appointed by the Mayor and Council to serve as its counsel, or designee.

Developer. Any individual, firm, corporation, partnership, association, society, syndication, trust, or other legal entity that is responsible for creating a demand for public facilities and services.

Development. Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, dumping, extraction, dredging, grading, paving,

storage of materials or equipment, land excavation, land clearing, land improvement, landfill operation, or any combination thereof; and any change in the use of a building for which a building permit/zoning certificate is required by law.

Development Impact Fee. A fee adopted by the Mayor and Council which is imposed on new development on a pro-rated basis in connection with and as a condition of the issuance of a building permit/zoning certificate and which is calculated to defray all or a portion of the costs of the public facilities required to adequately accommodate new development at City-designated level of service (LOS) standards and which reasonably benefits new development. It may also be referred to as an Impact Fee.

Dwelling Unit. See 2-6102

Governing Body. The Mayor and Council of Brunswick.

Municipal Facilities Development Impact Fee. An impact fee imposed on new residential and nonresidential development to fund the proportionate share of the costs for future municipal facilities and equipment.

New development. Any new development commencing construction after the effective date of this Chapter, except as provided in Section 8-2105.

Nonresidential use. Any use of a building not for dwelling purposes.

Parks and Recreation Development Impact Fee. An impact fee imposed only on new residential development to fund the proportionate share of the costs to expand park amenities, parks and recreation facilities, land, and park vehicles and equipment.

Planning Director. Planning and Zoning Administrator or the Director of the Division of Planning for the City, or designee.

Police Development Impact Fee. An impact fee imposed on new residential and nonresidential development to fund the proportionate costs of law enforcement services infrastructure within the City.

Property Owner. Any individual, firm, corporation, partnership, association, society, syndication, trust, or other legal entity holding legal title to the property.

Public Facilities. Public improvements or facilities necessitated by new development. For the purposes of this Chapter, Public Facilities are limited to parks and recreation, police and municipal facilities.

Public Facilities Expenditures. Includes amounts appropriated in connection with the planning, design, engineering and construction of public facilities; planning, legal, appraisal and other costs related to financing and development costs; the costs of compliance with purchasing procedures and applicable administrative and legal requirements; and all other costs necessary or incident to provision of the public facilities.

Residential Use. Any use of a building as or for a dwelling.
(Ord. 480, passed 4-14-2009)

Article 2. General Provisions; Applicability

Section 8-2101. Term

This Chapter and the procedures established herein shall remain in effect unless and until repealed, amended or modified by the Mayor and Council in accordance with applicable State law and Brunswick City Code, ordinances and resolutions.
(Ord. 480, passed 4-14-2009)

Section 8-2102. Annual Review

(A) Preparation of annual report. At least once every year, but no later than June 1 of each year, beginning June 1, 2010, and prior to the Mayor and Council's adoption of the annual budget and Capital Improvements Program, the City Administrator or designee shall coordinate the preparation and submission of an annual report to the Mayor and Council on the subject of development impact fees.

(B) Annual report. The annual report may include any or all of the following:

- (1) Recommendations for amendments, if appropriate, to these procedures or to specific ordinances adopting development impact fees for particular public facilities;
- (2) Proposed changes to the City's Capital Improvements Program, including the identification of additional public facility projects anticipated to be funded wholly or partially with development impact fees;
- (3) Proposed changes to the boundaries of development impact fee districts, if applicable;
- (4) Proposed changes to development impact fee schedules as set forth in the ordinances imposing and setting development impact fees for particular public facilities;
- (5) Proposed changes to any development impact fee calculation methodology; and
- (6) Any other data, analysis or recommendations as the City Administrator or appropriate designee may deem appropriate, or as may be requested by the Mayor and Council.

(C) Submission of development impact fee annual report and Mayor and Council action. The City Administrator shall submit the development impact fee annual report to the Mayor and Council, which shall receive the annual report and which may take such actions as it deems appropriate, including, but not limited to, requesting additional data or analyses and holding public workshops or public hearings. *(Ord. 480, passed 4-14-2009)*

Section 8-2103. Affected Area

This Chapter shall apply to all new development within the City.
(Ord. 480, passed 4-14-2009)

Section 8-2104. Type of Development Affected

This Chapter shall apply to all new development as herein defined and as defined in the specific articles of this Chapter for particular public facilities.
(Ord. 480, passed 4-14-2009)

Section 8-2105. Type of New Development Not Affected

Based upon the significant required contribution to the improvement of public infrastructure and public facilities that benefits other property and residents in the City, the significant costs and fees expended and the time required in the developer's/property owner's preparation, review and approval of certain development projects, the Mayor and Council find that there is a rational basis for not subjecting certain new development within the City to the impact fee. Therefore, the requirements of this Chapter will not apply to:

(A) Previously-issued building permits/zoning certificates. No development impact fee shall be imposed on new development for which a building permit/zoning certificate has been issued prior to the effective date of this Chapter.

(B) No net increase in dwelling units. No development impact fee shall be imposed on any new residential development which does not add a new dwelling unit. No impact fee shall be imposed for alteration or expansion of an existing dwelling unit where no additional dwelling unit is created.

(C) Development agreements. The provisions of this Chapter shall not apply to new development that is the subject of a development agreement (including but not limited to annexation agreements and developer rights and responsibilities agreements) and which contain provisions for a development impact fee or other provisions in conflict with this Chapter, but only to the extent of the conflict or inconsistency.

(D) Special taxing districts.

(1) A property or properties used as or constituting a development that as of the effective date of this Chapter is subject to a special taxing district to fund public improvements to City infrastructure and the requisite special obligation bonds for that special taxing district have been issued by the Mayor and Council to support the funding of said infrastructure; and

(2) The residential component of the development has obtained PUD Phase III preliminary plan approval per Section 21.5(i)(3) of the Brunswick Zoning Ordinance; and

(3) The commercial component of the development satisfies the permitted land use requirements of Section 21.5(f) of the Brunswick Zoning Ordinance; and

(4) The development has obtained Mixed-Use Development (MXD) overlay approval by the Mayor and Council if requested. In the event that the property or properties used as or constituting the new development subject to the special taxing district is no longer subject to the special taxing district or if the approved PUD or Mixed-Use employment designation lapse or are not carried out by the developer, then in that event the Mayor and Council may eliminate this exemption and impose the impact fees on the property or properties and the new development. (Ord. 480, passed 4-14-2009)

Section 8-2106. Effect of Payment of Development Impact Fee on Other Applicable City Regulations

(A) The payment of development impact fees shall not entitle the applicant to a building permit/zoning certificate unless all other applicable land use, zoning, planning, adequate public facilities, forest resource, platting, subdivision or other related requirements, standards and conditions have been met. Such other requirements, standards and conditions are independent of the requirement for payment of a development impact fee.

(B) Nothing in this Chapter shall affect, in any manner, the permissible use of property, density/intensity of development, design and improvement standards or other applicable standards or requirements of the land development regulations of the City, where applicable. (Ord. 480, passed 4-14-2009)

Article 3. Procedures for Imposition, Calculation and Collection of Development Impact Fees

Section 8-3101. In General

An applicant shall be notified by the Planning Director of the applicable development impact fee requirements at the time of application for a building permit/zoning certificate. At such time, the development impact fees shall be calculated by the Planning Director or designee and shall be paid by the applicant prior to the issuance of a building permit/zoning certificate. (Ord. 480, passed 4-14-2009)

Section 8-3102. Calculation

(A) Upon receipt of an application for a building permit/zoning certificate, the Planning Director, or designee, shall determine:

- (1) Whether it is a residential or a nonresidential use;
- (2) The specific category (type) of residential or nonresidential development, if applicable, and

(3) If residential, the number of new dwelling units.

(B) Upon receipt of an application for a building permit/zoning certificate, the Development Review Coordinator, or designee, shall determine whether it is for a change of use. In such cases, the development impact fee shall be based only on the incremental increase in the fee for the additional public facilities needed for the change in use. An applicant shall not be entitled to a refund where the change of use is to a category of development that imposes a lower demand on public facilities.

(C) After making these determinations, the Planning Director, or designee, shall calculate the applicable development impact fee by multiplying the demand added by the new development by the amount of the applicable development impact fee per unit of development, incorporating any applicable offset if set forth in the particular development impact fee calculation methodology.

(D) If the type of land use proposed for new development is not expressly listed in the particular development impact fee ordinance and schedule, the Planning Director, or designee shall:

(1) Identify the most similar residential or nonresidential development type listed and calculate the development impact fee based on that residential or nonresidential type; or

(2) At the option of the applicant determine the basis used to calculate the fee pursuant to an independent impact analysis for development impact fee calculation. If elected, this option shall be requested by the applicant on a form provided by the City for each purpose. If this option is chosen, the following shall apply:

(a) The applicant shall be responsible, at its sole expense, for preparing the independent impact analysis, which shall be reviewed for approval by the Planning Director, prior to payment of the fee.

(b) The independent impact analysis shall measure the impact that the proposed development will have on the particular public facility at issue, and shall be based on the same methodologies used in the development impact fee calculation methodology report, and shall be supported by professionally acceptable data and assumptions.

(c) After review of the independent impact analysis submitted by the applicant, the Planning Director shall accept or reject the analysis and provide written notice to the applicant of its decision within forty-five (45) days. If the independent impact analysis is rejected, the written notice shall provide an explanation of the insufficiencies of the analysis.

(d) The final decision of the Planning Director may be appealed pursuant to Section 8-4105 herein.

(E) An applicant may, at any time, request a non-binding estimate of development impact fees due for a particular new development by filing a request on a form provided for such purpose by the Planning Director; provided, however, that such estimate may be subject to change when a formal application for a building permit/zoning certificate for new development is made. Such non-binding estimate is solely for the benefit of the prospective applicant and shall in no way bind the City nor preclude it from making amendments or revisions to any provisions of this Chapter, or the development impact fee schedule.

(F) The calculation of development impact fees due from a residential multiple-use new development shall be based upon the type and number of dwelling units created in the new development.

(G) The calculation of development impact fees due from a phased new residential development shall be based on the development impact fees due for each dwelling unit within the phase of development for which building permits/zoning certificates are requested.

(H) Development impact fees shall first be calculated based on the development impact fee amount in effect at the time of application for a building permit/zoning certificate, but the amount of the development impact fee due is the amount of the development impact fee in effect on the date of issuance of the building permit/zoning ordinance. (*Ord. 480, passed 4-14-2009*)

Section 8-3103. Offsets

(A) Offsets against the amount of development impact fee due from a new development may be provided for, among other things, contribution made concurrently or to be made in the future in cash, or by actual construction of all or part of a public facility by the affected property owner/developer for public facilities meeting or exceeding the demand generated by the new development for the specific facility and the contribution is determined by the Mayor and Council to be a reasonable substitute for the cost of public facilities which are included in the particular development impact fee calculation methodology. Offset may be provided for the dedication of land as determined by the Mayor and Council.

(B) The amount of the offset and any excess contribution (above the offset amount) shall be determined by the Mayor and Council upon receipt of a City-approved application form requesting an offset; provided, however, that:

(1) The Mayor and Council will make no reimbursement for excess contribution unless and until the particular public facility fund has sufficient revenue to make the reimbursement without jeopardizing the continuity of the City's Capital Improvements Program, and

(2) The excess contribution may not be transferred or credited to any other type of development impact fees calculated to be due from that development for other types of public facilities.

(C) No offset shall be allowed unless the Mayor and Council have approved the contribution expenditure before it is made.

(D) Offsets for provision of public facilities shall be applicable only as to development impact fees imposed for the same types of public facilities which are proposed to be dedicated or provided. Even if the value of the public facility provided exceeds the development impact fee due for the type of public facility, the excess value may not be transferred to development impact fees calculated to be due from the applicant for other types of public facilities for which development impact fees may be imposed. Offsets may, however, be transferred to the same applicant or to other applicants for new development which are proposed within the final approved plan for a single development and for the same type of public facility.

(E) Notwithstanding any other provision of this Section, no credit or offset shall be given for land dedicated, cash contributed or actual construction undertaken prior to the effective date of this Chapter.

(Ord. 480, passed 4-14-2009)

Section 8-3104. Collection

(A) The Planning Director, or designee, shall collect all applicable development impact fees at the time of issuance of a building permit/zoning certificate and shall issue a receipt to the applicant for such payment unless:

- (1) The applicant has been determined to be entitled to a full offset; or
- (2) The applicant has been determined to be not subject to the payment of a development impact fee; or
- (3) The applicant has filed an appeal, and a letter of credit in the amount of development impact fee, as calculated by the Planning Director, or designee, has been posted with the City. Such letter of credit must first be approved by the City attorney and City Administrator.

(B) The Planning Director shall collect the increased amount of the development impact fee at the time of issuance of a building permit/zoning certificate even if the development impact fees were paid by the applicant at an earlier time in the development permit or approval process, including at the time of application for a building permit/zoning certificate, if the amount of the development impact fees has increased since such prior approval and payment. The applicant shall be charged for the difference between the development impact fee paid earlier and those in effect at the time of the issuance of the subsequent building permit/zoning certificate.

(Ord. 480, passed 4-14-2009)

**Article 4. Establishment of Development Fee Accounts; Appropriation
of Development Impact Fee Funds; Refunds**

Section 8-4101. Development Impact Fee Accounts

A development impact fee account shall be established by the Mayor and Council for each category of public facilities for which development impact fees are imposed. Such account shall clearly identify the category, account, or fund for which the development impact fee has been imposed. All development impact fees collected by the Mayor and Council shall be deposited into the appropriate development impact fee account or subaccount, which shall be interest bearing. All interest earned on monies deposited to such account shall be credited to and shall be considered funds of the account. The funds of each such account shall be capable of being accounted separately from all other City funds, over time. The Mayor and Council shall establish and implement necessary accounting controls to ensure that the development impact fee funds are properly deposited, accounted for, and appropriated in accordance with this Chapter, and any other applicable legal requirement.

(Ord. 480, passed 4-14-2009)

Section 8-4102. Appropriation of Development Impact Fee Funds

(A) In general. Development impact fee funds may be appropriated for public facilities, for public facility expenditures as defined in Section 8-1103 and for the payment of principal, interest and other financing costs on contracts, bonds, notes or other obligations issued by or on behalf of the Mayor and Council. All appropriations from development impact fees accounts shall be documented by the City Administrator.

(B) Restrictions on appropriations. Development impact fees shall be appropriated only:

- (1) For the particular category of public facilities for which they were imposed, calculated and collected; and
- (2) For the six (6) year period following the beginning of the fiscal year immediately succeeding the date of collection, unless a longer time period is established as provided herein. Development impact fees shall not be appropriated for funding any expenditure that would be classified in an accounting as a maintenance or repair expense or for operational or personnel expenses associated with the provision of the public facility.

(C) Appropriation of development impact fee funds beyond six (6) year period.

Notwithstanding Section 8-4102(B) above, development impact fee funds may be appropriated beyond the six (6) year period following the beginning of the fiscal year immediately succeeding the date of collection if the appropriation is for a public facility which requires more than six (6) years to plan, design and construct, and the demand for the public facility is generated in whole or in part by the new development, or where the Capital Improvements Program prepared by the Mayor and Council for a particular category of public facility has used a longer time frame. Such appropriations shall be documented by the Mayor and Council. (Ord. 480, passed 4-14-2009)

Section 8-4103. Procedure for Appropriation of Development Impact Fee Funds

(A) The City Administrator shall annually identify public facility projects anticipated to be funded in whole or in part with development impact fees. The public facilities so identified shall be based upon such information as may be relevant, and may be part of the Mayor and Council's annual budget and capital improvements programming process.

(B) All such identification of public facility projects shall be consistent with the provisions of this Chapter or other applicable legal requirements and any guidelines adopted by the Mayor and Council.

(C) The Mayor and Council may include development impact fee funded public facilities in the City annual budget and Capital Improvements Program. Prior to including such public facilities in the budget and Capital Improvements Program, the Mayor and Council shall consider the nature of the facility, the location of the public facility, the capacity to be added by the public facility, the service area of the public facility, the need/demand for the public facility, and the anticipated timing of completion of the public facility.

(D) The Mayor and Council may authorize development impact fee-funded public facilities at such times as may be deemed necessary and appropriate by a majority vote of the Mayor and Council.

(E) The Mayor and Council shall verify that adequate development impact fee funds are or will be available from the appropriate development fee account for the particular public facility. (Ord. 480, passed 4-14-2009)

Section 8-4104 Refunds

(A) Eligibility for refund.

(1) Expiration or revocation of building permit/zoning certificate. A developer who has paid a development impact fee for a new development for which the necessary building permit/zoning certificate has expired or for which the building permit/zoning certificate has been revoked prior to construction shall be eligible to apply for a refund of development impact fees paid on a form provided by the Planning Director for such purpose.

(2) Failure of City to use or appropriate development impact fee funds within time limit. The current property owner may apply for a refund of development impact fees paid by a developer if the Mayor and Council has failed to use or appropriate the development impact fees collected from the developer within the time limit established in Sections 8-4102 and 8-4103. The refund application shall be made on a form provided by the City Administrator for such purpose.

(3) Abandonment of development after initiation of construction. A developer who has paid a development impact fee for a new development for which a building

permit/zoning certificate has been issued pursuant to which construction has been initiated, but which construction is abandoned prior to completion and issuance of a certificate of occupancy, shall not be eligible for a refund unless the uncompleted building is completely demolished.

(4) Administrative fee. A two percent (2%) administrative fee, but not to exceed Five Hundred Dollars (\$500.00), shall be deducted from the amount of any refund granted and shall be retained by the Mayor and Council to defray the administrative expenses associated with the processing of a refund application.

(B) Except as provided in Sections 8-4104(A)(1) and (3) hereof, refunds shall be made only to the current owner of the property on which the new development was proposed or occurred.

(C) Applications for a refund shall be made on a form provided by the City Administrator for such purposes and shall include all information required in Section 8-4104(D) or (E) hereof, as appropriate. Upon receipt of a complete application for a refund, the City Administrator, or designee, shall review the application and documentary evidence submitted as well as such other information and evidence as may be deemed relevant, and make a determination as to whether a refund is due. Refunds by direct payment shall be made following an affirmative determination by the City Administrator, or designee.

(D) Applications for refunds due to abandonment of a new development prior to completion or due to expiration or revocation of a building permit/zoning certificate shall be made on forms provided by the City Administrator and shall be made within sixty (60) days following expiration or revocation of the building permit/zoning certificate. The property owner shall submit:

- (1) Evidence that it is the property owner or the duly designated agent of the property owner;
- (2) The amount of the development impact fees paid by public facilities category and receipts evidencing such payments; and
- (3) Documentation evidencing the expiration or revocation of the building permit/zoning certificate prior to construction or approval of demolition of the structure pursuant to a valid City-issued demolition permit. Failure to apply for a refund within sixty (60) days following expiration or revocation of the building permit/zoning certificate or demolition of the new structure shall constitute waiver of entitlement to a refund. No interest shall be paid by the City in calculating the amount of the refunds.

(E) Applications for refunds due to the failure of the Mayor and Council to appropriate development impact fees collected from the developer within the time limits established in Section 8-4102(B) shall be made on forms provided by the City Administrator and shall be made within one (1) year following the expiration of such time limit. The property owner shall submit:

- (1) Evidence that it is the property owner or the duly designated agent of the property owner;

(2) The amount of the development impact fees paid by public facility category and receipts evidencing such payments; and

(3) Description and documentation of the Mayor and Council's failure to appropriate development impact fee funds for relevant public facilities.

(F) The Mayor and Council may, at its option, make refunds of development impact fees by direct payment, by offsetting such refunds against other development impact fees due for the same category of public facilities for new development on the same property, or by other means subject to agreement with the property owner.

(Ord. 480, passed 4-14-2009)

Section 8-4105. Appeals

(A) An appeal from any decision of a City official pursuant to this Chapter shall be made to the Mayor and Council by filing a written appeal on the appropriate City form within thirty (30) days following the decision which is being appealed or such right to appeal shall be barred; provided, however, that if the notice of appeal is accompanied by a cash bond or letter of credit in a form satisfactory to the City attorney and the City Administrator in an amount equal to the development impact fee calculated to be due, a building permit/zoning certificate may be issued for the new development. The filing of an appeal shall not stay the imposition of the collection of the development impact fee as calculated by the Mayor and Council unless a cash bond or letter of credit has been provided.

(B) The burden of proof shall be on the appealing party to demonstrate that the decision of the City official is arbitrary and capricious.

(C) All appeals shall detail the specific grounds therefore and all other relevant information and shall be filed on a form provided by the City Administrator for such purposes.

(Ord. 480, passed 4-14-2009)

Section 8-4106. Exemptions/Waivers

(A) Filing of application. Petitions for waivers from specific development impact fees shall be filed with the Mayor and Council on forms provided by the City Administrator.

(B) Effect of grant exemption. If an exemption from the application of the provisions of this Chapter is authorized by the terms of this Chapter, the Mayor and Council shall not be required to provide any funds equal to the amount of any development impact fee which would have been due without exemption.

(C) Effect of grant of waiver. If the Mayor and Council grant a waiver in whole or in part of the development impact fee otherwise due, the amount of the development impact fees waived shall be provided by the Mayor and Council from non-development impact fee funds, and such funds shall be deposited to the appropriate development impact fee account within a reasonable period of time consistent with the applicable City Capital Improvements Program.

(D) Development agreements. Nothing herein shall be deemed to limit the City's authority or ability to enter into development agreements (including but not limited to annexation agreements and development rights and responsibilities agreements) with developers and property owners for new development which may provide for dedication of land, payments in lieu of development impact fees, or actual infrastructure improvements. Such development agreements may allow offsets against development impact fees for contribution made or to be made in the future in cash, or by taxes or assessments or dedication of land or by actual construction of all or part of a public facility by the affected property owner.
(Ord. 480, passed 4-14-2009)

Section 8-4107. Enforcement

(A) It is unlawful for any person or entity to enlarge, alter, or change any use of property subject to this Chapter or to erect, construct, enlarge, alter, repair, move, improve, make, put together or convert any building in the City subject to this Chapter, or attempt to do so, or cause the same to be done, without first paying all development impact fees imposed by this Chapter. Any person or entity who shall so violate this Chapter shall be guilty of a municipal infraction.

(B) In the event a fee is not paid as required hereunder, the City Attorney may institute an action on behalf of the Mayor and Council to recover the fee and enjoin the use of the property until the fee is paid. The person who fails to pay shall be responsible for the costs of such suit, including reasonable attorney's fees.

(C) If not paid as required by this Chapter, development impact fees shall constitute a lien against the property being developed and shall be levied, collected, and enforced in the same manner as City real property taxes, and shall have the same priority and bear the same interest and penalties as City real property taxes for lien purposes.
(Ord. 480, passed 4-14-2009)

Article 5. Parks and Recreation Development Impact Fee

Section 8-5101. Purpose and Intent

This Article is for the purpose of requiring that new residential development pay for its appropriate share of park development and improvement through the imposition of a parks and recreation development impact fee which will be used to finance, defray or reimburse the City for all or a portion of the costs to expand park amenities, parks and recreation facilities, land, and park vehicles and equipment which serve such residential development.
(Ord. 480, passed 4-14-2009)

Section 8-5102. Applicability

Any person who undertakes a residential development project subject to this Chapter shall pay a parks and recreation development impact fee and shall not receive a building permit/zoning certificate until such parks and recreation development impact fee is paid.
(Ord. 480, passed 4-14-2009)

Section 8-5103. Parks and Recreation Development Impact Fee Schedule

<i>Land Use Type</i>	<i>Impact Fee</i>
Single Family	\$1,021.00
All Other Housing	\$701.00

(Ord. 480, passed 4-14-2009)

Section 8-5104. Adjustment to Fee Schedule

The Mayor and Council shall have the right to implement periodic adjustments to the Impact Fee Schedule based on the "construction cost index" published by United States Bureau of Labor Statistics for the Washington D.C. Metropolitan area.

(Ord. 480, passed 4-14-2009)

Article 6. Police Development Impact Fee

Section 8-6101. Purpose and Intent

This Article is for the purpose of requiring that new residential and nonresidential development pay for their appropriate share of law enforcement infrastructure through the imposition of a police development impact fee which will be used to finance, defray, or reimburse the City for all or a portion of the costs of police protection, facilities and vehicles.

(Ord. 480, passed 4-14-2009)

Section 8-6102. Applicability

Any person who undertakes a new residential or nonresidential development project subject to this Chapter shall pay a police impact fee and shall not receive a building permit/zoning certificate until such police development impact fee is paid.

(Ord. 480, passed 4-14-2009)

Section 8-6103. Police Development Impact Fee Schedule

<i>Land Use Type</i>	<i>Impact Fee</i>
Residential	Per housing unit
Single Family	\$306
All Other Housing	\$210
Nonresidential	Per 1,000 square feet
Commercial Shopping Center up to 50,000 square feet	\$265
Commercial Shopping Center 50,001 - 100,000 square feet	\$221

Commercial Shopping Center 100,001 - 200,000 square feet	\$189
Commercial Shopping Center 200,001 - 400,00 square feet	\$161
Office/Institutional up to 50,000 square feet	\$77
Office/Institutional 50,001 - 100,000 square feet	\$66
Office/Institutional 100,001 - 200,000	\$56
Business Park	\$63
Light Industrial	\$34
Warehousing	\$24
Manufacturing	\$19
Lodging	\$28 (per room)

(Ord. 480, passed 4-14-2009)

Section 8-6104. Adjustment to Fee Schedule

The Mayor and Council shall have the right to implement periodic adjustments to the Impact Fee Schedule by Resolution based on the "construction cost index" published by United States Bureau of Labor Statistics by Bureau of Labor Statistics for the Washington D.C. Metropolitan area.

(Ord. 480, passed 4-14-2009)

Article 7. Municipal Facilities Development Impact Fee

Section 8-7101. Purpose and Intent

This Article is for the purpose of requiring that new residential and nonresidential development pay for their appropriate share of municipal facility costs through the imposition of a municipal facilities development impact fee which will be used to finance, defray or reimburse the City for all or a portion of the costs of future municipal facilities and equipment.

(Ord. 480, passed 4-14-2009)

Section 8-7102. Applicability

Any person who undertakes a residential or nonresidential development project subject to this Chapter shall pay a municipal facilities development impact fee and shall not receive a building permit/zoning certificate until such municipal facilities development impact fee is paid.

(Ord. 480, passed 4-14-2009)

Section 8-7103. Municipal Development Impact Fee Schedule

<i>Land Use Type</i>	<i>Impact Fee</i>
Residential	Per housing unit
Single Family	\$307
All Other Housing	\$211
Nonresidential	Per 1,000 square feet
Commercial Shopping Center up to 50,000 square feet	\$134
Commercial Shopping Center 50,001 - 100,000 square feet	\$117
Commercial Shopping Center 100,001 - 200,000 square feet	\$104
Commercial Shopping Center 200,001 - 400,00 square feet	\$93
Office/Institutional up to 50,000 square feet	\$183
Office/Institutional 50,001 - 100,000 square feet	\$172
Office/Institutional 100,001 - 200,000	\$163
Business Park	\$148
Light Industrial	\$108
Warehousing	\$60
Manufacturing	\$84
Lodging	\$21 (per room)

(Ord. 480, passed 4-14-2009)

Section 8-7104. Adjustment to Fee Schedule

The Mayor and Council shall have the right to implement periodic adjustments to the Impact Fee Schedule based on the "construction cost index" published by Bureau of Labor Statistics for the Washington D.C. Metropolitan area. (Ord. 480, passed 4-14-2009)

Article 8. Conflict

Section 8-8101. Conflict

To the extent of any conflict between other City ordinances and this Chapter, this Chapter shall be deemed to be controlling; provided, however, that this Chapter is not intended to amend or repeal any existing City ordinance, resolution or regulation.

(Ord. 480, passed 4-14-2009)

Article 9. Separability

Section 8-9101. Separability

(A) If any section, subsection, sentence, clause, phrase or portion of this Chapter is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase or portion of this Chapter shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions of this Chapter nor impair or nullify the remainder of this Chapter which shall continue in full force and effect.

(B) If the application of any provision of this Chapter to any new development is declared to be invalid by a decision of any court of competent jurisdiction, the intent of the Mayor and Council is that such decision shall be limited only to the specific new development expressly involved in the controversy, action or proceeding in which such decision of invalidity was rendered. Such decision shall not affect, impair, or nullify this Chapter as a whole or the application of any provision of this Chapter to any other new development.
(Ord. 480, passed 4-14-2009)

CHAPTER 9

[RESERVED]

CHAPTER 10
CODE VIOLATIONS

Article 1. Procedures

Title 1. General Provisions

Section 10-1101. Definitions

In this Article, the following words, terms, phrases, and their derivations shall have the meanings indicated.

Misdemeanor. The violation of any ordinance, Code or State statute provision which has been deemed to be a criminal offense not amounting to a felony and which has not been specifically declared to be a municipal infraction.

Municipal Infraction. The violation of any ordinance or Code provision specifically declared to be punishable as a municipal infraction and not otherwise deemed to be a criminal offense under State or County law; a municipal infraction is a civil offense.

Section 10-1102. Misdemeanor Procedures

The violation of any City Code provision not specifically declared to be punishable as a municipal infraction may be evidenced by the issuance of a notice of violation as an alternative to arrest or the obtaining of a warrant for such violation. A police officer, or an authorized agent of the City witnessing a violation shall be authorized to issue such notice of violation to any person when that alternative would best meet the needs of justice and expediency under the circumstances; provided that the person shall be personally served by such officer or agent and that the person consents voluntarily in writing to accept such notice and to appear in court as provided herein.

(A) The notice of violation shall contain and specify:

- (1) The violation with which such person is charged.
- (2) The hour, date, and location of the court for the County in which such person will be summoned to appear.
- (3) A place in which the person may endorse the notice by signing his name and address, indicating his receipt thereof and willingness to appear.

(B) If a person does not willingly consent to the issuance of the notice of violation the officer or agent may:

- (1) If the agent who has witnessed the violation is a police officer, proceed to arrest the person.

(2) If the authorized agent is not a police officer, proceed to obtain an arrest warrant in the manner provided by law.

(C) The person serving the notice of violation shall make proof of his service to the court promptly and, in any event, within the time during which the person served must respond to the notice. Failure to make proof of service to the court, however, shall not affect the validity of the notice.

(D) A vehicle may be towed and stored or mechanically immobilized with a wheel boot device, if it is in violation of any of the following parking regulations:

- (1) Having received six (6) parking violations without payment or adjudication.
- (2) Parking an unauthorized vehicle in a handicapped space.
- (3) Parking in a fire lane.
- (4) Parking in a reserved space, as designated by the Mayor and Council.
- (5) Parking in the traveled portion of a roadway.
- (6) Parking in violation of Section 6-1201.
- (7) Parking in snow removal zone.

(E) The removal fee to the owner of a vehicle that has a wheel boot in place, will be Thirty-Five Dollars (\$35.00), in addition to any parking fines. The owner shall have three (3) business days to pay outstanding parking fines in addition to the wheel booted fee. After three (3) business days, if the owner has not paid the wheel boot fee and all parking fines and made arrangements for release of the wheel boot, the vehicle will be towed with additional towing and storage fees.

(F) Attempts to remove or tamper with a wheel boot device on a vehicle after being installed, will cause the vehicle to be towed and impounded at the owner's expense.

(G) Any person(s) who tampers with or damages a wheel boot device will be held responsible for any and all damages to City property and may be charged criminally.

(H) The vehicle owner will be responsible for a Six Hundred Dollar (\$600.00) replacement cost for any intentional damage to a wheel boot. This cost must be paid prior to the release of a wheel boot or release of a towed vehicle.

(I) Upon the payment of the wheel boot fee, the wheel boot will be released, and in the case of an impounded vehicle, a stored vehicle release authorization certificate will be issued.

(J) No vehicle impounded pursuant to this section shall be released until all fines have been paid in full. (*Ord. 471, passed 11-27-2007*)

Section 10-1103. Abatement of Public Nuisances

If any person shall fail to abate any public nuisance condition after receipt of the City's notice to abate and within a reasonable time as may be specified in such notice, the condition may be abated by the City at the expense of the person named in such notice. Abatement by the City shall not bar the prosecution of the person responsible for the condition abated.

Title 2. Municipal Infraction Procedures

Section 10-1201. Declaration of Municipal Infractions

The Mayor and Council shall by ordinance declare the violation of which Code or Ordinance provisions shall be municipal infractions.

Section 10-1202. Issuance of Citation for Municipal Infractions

Those enforcement officials authorized by the Mayor and Council to enforce City ordinances may deliver a citation to any person alleged to be committing a municipal infraction. The issuing officer shall file copies of any such citation at the headquarters of the police department.

(A) Municipal Citations issued under this ordinance shall contain the following information: *Maryland Code, Local Government, Municipalities, Title 6.*

(1) the enforcement officer's certification:

- (a) attesting to the truth of the matter set forth in the citation; or
- (b) that the citation is based on an affidavit;

(2) the name and address of the defendant;

(3) the nature of the municipal infraction;

(4) the location and time that the municipal infraction occurred;

(5) the amount of the fine assessed;

(6) the manner, location, and time in which the fine may be paid to the municipality;

(7) notice of the defendant's right to elect to stand trial; and

(8) notice of the effect of failing to pay the fine or demand a trial within the required time.

(B) Where applicable and as described in Maryland Court and Judicial Proceedings, 3-8A-03, a juvenile will be charged on a Juvenile Civil Citation or Juvenile Referral in lieu of a municipal infraction.

Section 10-1203. Payment of Fine

The fine is payable by the recipient of the citation to the City Administrator within twenty (20) calendar days of receipt of the citation.
(Ord. 473, passed 11-27-2007)

Section 10-1204. No Formal Hearing

The City shall not conduct any formal hearing for those persons in receipt of a citation for a municipal infraction. Any offender so cited may pay the fine as indicated in the citation or elect to stand trial for the offense. This provision shall not prevent an offender from requesting in writing, either personally or through an attorney, additional information concerning the municipal infraction.

Section 10-1205. Election to Stand Trial

A person who receives a citation for an infraction may elect to stand trial for the offense by giving notice to the City Administrator at least five (5) days prior to the date by which payment shall be required under the citation. Upon receipt of such notice, the City Administrator shall forward to the District Court of Maryland for Frederick County a copy of the citation indicating the recipient's intention to stand trial.
(Ord. 473, passed 11-27-2007)

Section 10-1206. Failure to Pay Fine

(A) In the event that an individual, who is charged with a violation the fine for which is designated as Classes A through D in Section 10-2202 does not pay the fine set forth on the citation within twenty (20) days from the date of the citation; the fine shall be doubled, not to exceed One Thousand Dollars (\$1,000.00). If the recipient of the citation has not made payment of the fine noted thereon within twenty (20) days from the date of the notice, the City may request adjudication of the case in the District Court of Maryland for Frederick County, which will thereupon schedule the trial and summon the recipient of the citation to appear. (*Ordinance 537, 1/9/18*)

(B) Upon failure of an individual to pay the fine noted on the citation of an offense which has a maximum fine of Ten Dollars (\$10.00), designated as Classes E through G within thirty (30) days after the date noted on the citation, the Police Department shall "flag" the registration of the vehicle involved in the infraction by notifying the Maryland Motor Vehicle Administration of the non-payment of the fine in the case of an automobile registered in the State of Maryland. In the event that the vehicle involved in the citation is registered in a State other than Maryland, the Police Department shall immobilize or tow and store the vehicle at the owner's expense in accordance with Section 10-1102.

(Ord. 473, passed 11-27-2007)

Section 10-1207. Rights of Accused

In any proceeding for municipal infraction, the accused shall have the right to cross-examine witnesses, to testify or introduce evidence, and to be represented by an attorney of his own selection and at his own expense.

Article 2. Penalties

Title 1. General Provisions

Section 10-2101. General Misdemeanor Penalties

Unless otherwise specifically enumerated in this Code, any person found guilty of violating any provision of this Code for which violation is a “misdemeanor,” as defined in Section 10-1101, shall be subject to a fine not to exceed One Thousand Dollars (\$1,000.00) and imprisonment not to exceed six (6) months or both such fine and imprisonment for each offense.

Section 10-2102. General Municipal Infraction Penalties

The general penalty for commission of a municipal infraction shall be Fifty Dollars (\$50.00), unless another fine has been enumerated. In no event shall the fine actually imposed exceed Three Hundred Dollars (\$300.00) for the first offense or Six Hundred Dollars (\$600.00) for each repeat offense.

Section 10-2103. Continuing Violations

Each day a violation of this Code or any City Ordinance continues shall, unless otherwise provided, constitute a separate or repeat offense.

Title 2. Enumerated Penalties

Section 10-2201. Enumerated Penalties for Misdemeanors

Any violation of the Code provisions listed in this Section shall constitute and be punishable as a misdemeanor and shall be subject to the maximum fine and/or jail term for the class of penalty specified. If a violation has not been declared a municipal infraction and the class of penalty is not specified in this Section, the general misdemeanor penalties at Section 10-2101 shall apply.

<u>SECTION</u>	<u>MISDEMEANOR PENALTY CLASS</u>
<u>6-2201 to 6-2207</u>	<u>A (Public Safety Offenses)</u>
<u>6-2302</u>	<u>B (Alcohol)</u>
<u>6-2501</u>	<u>A (Curfew, Civil Emergencies)</u>

Reviser's Note: All enumerated misdemeanor classes should be referenced to the Section number and inserted at this Section.

Section 10-2202. Enumerated Penalties for Municipal Infractions

Any violation of the Code provisions listed in this Section shall constitute and be punishable as a municipal infraction and shall be subject to the maximum fine for the class of penalty specified for a first offense. If a violation has been declared a municipal infraction and the class of penalty is not specified in this section, the general municipal infraction penalties at Section 10-2102 shall apply.

<u>SECTION</u>	<u>MUNICIPAL INFRACTION</u> <u>PENALTY CLASS</u>
<u>3-1102</u>	<u>C [Section 3-1103 is included here as Class C] (Maintenance of dwelling Units)</u>
<u>3-1103</u>	<u>C [Section 3-1103 is specified separately as Class D] (Yards)</u>
<u>3-1105 to 3-1106</u>	<u>C (Overgrowth and Littering) (Ordinance 538 1/18)</u>
<u>3-1107 to 3-1108</u>	<u>C (Junk Vehicles and Vehicle Repairs)</u>
<u>3-1109</u>	<u>F (Building Numbers)</u>
<u>3-1110</u>	<u>D (Temporary Dumpsters)</u>
<u>3-1201 to 3-1202</u>	<u>D (Prohibited Animals and Livestock)</u>
<u>3-1203 and 3-1205</u>	<u>D (Horses and Animal Waste)</u>
<u>3-2103</u>	<u>C (Solid Waste Residents)</u>
<u>3-2104</u>	<u>C (Solid Waste Collectors)</u>
<u>3-2201</u>	<u>A (Sidewalk)</u>
<u>3-2202</u>	<u>C (Sidewalk Maintenance)</u>
<u>3-2204</u>	<u>B (Park Regulations)</u>
<u>4-1205</u>	<u>A (Unsafe Building)</u>
<u>4-2203</u>	<u>B (Cross Connection Control)</u>
<u>4-2305</u>	<u>A (Unlawful use of fire hydrants)</u>
<u>4-2410</u>	<u>A (Damage to Wastewater Treatment Works)</u>
<u>5-1103</u>	<u>D (Business License/Permit)</u>
<u>5-1106</u>	<u>D (Display of Business License/Permit)</u>
<u>5-1107</u>	<u>B (Suspension and Revocation)</u>
<u>5-1305</u>	<u>D (Solicitors identification tag)</u>
<u>5-1402 to 5-1407</u>	<u>A (Taxicabs)</u>
<u>6-1401</u>	<u>C (Vehicle Prohibitions)</u>
<u>6-1402</u>	<u>D (Commercial Vehicle Prohibitions)</u>
<u>6-1403</u>	<u>D (Trailers and Recreational Vehicles)</u>
<u>6-1404(A) and (B)</u>	<u>E (Parking Meters)</u>
<u>6-1404(C)</u>	<u>E (Parking Meters)</u>
<u>6-1404(D) and (J)</u>	<u>C (Parking Meters)</u>
<u>6-1404(E) and (F)</u>	<u>D (Parking Meters)</u>
<u>6-1404(G)</u>	<u>F (Parking Meters)</u>
<u>6-1404(H) and (I)</u>	<u>E (Parking Meters)</u>
<u>6-1404(K) and (L)</u>	<u>C (Handicap & Park for more than 96 hours)</u>
<u>6-1406</u>	<u>D (Skateboards)</u>
<u>6-2301</u>	<u>A (Destruction of Property)</u>

<u>6-2303</u>	<u>A (Disorderly Conduct)</u>
<u>6-2304</u>	<u>A (Indecent Exposure)</u>
<u>6-2305</u>	<u>D (Juvenile Curfew)</u>
<u>6-2306</u>	<u>C (Marijuana or paraphernalia)</u>
<u>6-2401</u>	<u>D (Refusal or Neglect to Abate)</u>
<u>6-2402 (A)(B)</u>	<u>B (Public Nuisances)</u>
<u>6-2402 (C)(D)</u>	<u>D (Unremoved snow, noise pollution)</u>
<u>6-3101</u>	<u>C (Fire Lines)</u>
<u>6-3102</u>	<u>B (Interference with Fire Apparatus)</u>

Section 10-2203. Maximum Fines

(A) The maximum fine and/or jail term for enumerated misdemeanors shall be:

	<u>MAXIMUM FINE</u>	<u>MAXIMUM JAIL TERM</u>
Class A Misdemeanors:	\$ 500	90 Days
Class B Misdemeanors:	\$ 300	
Class C Misdemeanors:	\$ 100	

(B) The maximum fine for enumerated municipal infractions shall be:

Class A Municipal Infractions:	\$ 300
Class B Municipal Infractions:	\$ 100
Class C Municipal Infractions:	\$ 50
Class D Municipal Infractions:	\$ 25
Class E Municipal Infractions:	\$ 10
Class F Municipal Infractions:	\$ 5
Class G Municipal Infractions:	\$ 5

If the person charged with a Class F or G municipal infraction fails to pay the fine within twenty-four (24) hours of the issuance of the citation, the fine shall be increased to Ten Dollars (\$10.00). If the person charged with a Class E, F, or G municipal infraction does not pay the fine within thirty (30) days after the payment date noted on the citation, the fine shall be increased to Thirty-Five Dollars (\$35.00).

(Ord. 473, passed 11-27-2007)

APPENDIX A

TEMPORARY DUMPSTER REQUEST PROCEDURES JANUARY 8, 2004

BACKGROUND

Temporary dumpsters are generally not permitted within the Public Ways of the City of Brunswick. However, in cases where either there is not sufficient area on the subject parcel, access prohibits truck entry, and reasonable alternatives for placement within the Public Ways has been exhausted, a request for placement of a Temporary Dumpster may be submitted to the City.

PROCEDURES

The request with detailed information shall be submitted on or attached to the City of Brunswick Citizen's Concern Form to City Hall.

Required information:

1. Applicant name
2. Applicant address
3. Applicant phone number
4. Site address
5. Temporary Dumpster provider name
6. Temporary Dumpster provider address
7. Temporary Dumpster provider phone
8. Purpose of Temporary Dumpster
9. Requested location of Temporary Dumpster
10. Requested time period
11. Additional requests for use of Public Ways
12. Standard Approval Conditions to be noted in all requests:

*Dumpsters shall not block Fire Hydrants

*Dumpsters shall not be placed in Handicap Parking Spaces

*Dumpsters shall not be placed within 15' of a corner, private driveway, and/or alley entrance (property owners are permitted to block their own private entrance with City approval)

*Dumpsters shall be located as close to curb as possible and shall not extend into the travel way of a normal size passenger vehicle van.

*Dumpsters shall not impede the Sight Distance Standard for the classification of the Street of the proposed location

- Request will be routed to the Chief of Police, City Public Works and City Planning & Zoning for review and comment
- If granted, Temporary Dumpsters are not generally permitted on within the Public Way longer than thirty (30) days

- All required City Zoning Certificates and/or County Permits must be obtained in conjunction with the request prior to placement of the Temporary Dumpster
- Temporary blockage of any pedestrian way must be included in the request and granted by the Chief of Police and Superintendent of Public Works
- Applicant is liable for any damage to Public Improvements as determined by Superintendent of Public Works
- Failure to comply with Conditions of Approval will result in Impoundment of the receptacle

APPENDIX B

City of Brunswick
Dept. of Public Works
1 West Potomac Street
Brunswick, MD 21716
(301) 834-7500

DATE OF APPLICATION: _____

PERMIT NO: BR-UP-_____

Right-of-Way Obstruction Permit

(Please Print)

Applicant or Company's Name: _____

Phone No: ____

Mailing Address: _____

Street/Alley Name: _____

Type of Utility Work: _____

THIS PERMIT EXPIRES 12 MONTHS FROM THE DATE OF APPROVAL ABOVE. SHOULD THE AFFECTED PUBLIC IMPROVEMENTS NOT BE PROPERLY INSTALLED BY THAT TIME ACCORDING TO THE STANDARDS OF THE CITY OF BRUNSWICK AT IT'S REASONABLE DISCRETION MAY DRAW UPON THE GUARANTEE OR REQUIRE A NEW PERMIT AND A NEW GUARANTEE. UPON EXPIRATION, A FEE OF \$50.00 MAY BE SUBMITTED TO THIS OFFICE TO RENEW THE PERMIT FOR ONE YEAR FROM THE DATE OF RECEIPT OF THE FEE. PLEASE NOTE THAT A REINSPECTION FEE MAY BE CHARGED FOR EACH CONSECUTIVE INSPECTION AFTER THE FIRST.

THE REQUIRED GUARANTEE SHALL REMAIN IN FULL FORCE AND EFFECT FOR ONE YEAR FROM DATE OF APPLICATION, OR UNTIL APPLICANT COMPLETES THE REQUIRED WORK IN ACCORDANCE WITH THE APPROVED PLANS. THE CITY OF BRUNSWICK RESERVES THE RIGHT TO DRAW FUNDS GUARANTEED IF NOT DONE IN ACCORDANCE WITH ABOVE TERMS. THIS PERMIT IS BINDING ON THE APPLICANT AND THEIR HEIRS, SUCCESSORS OR ASSIGNS.

APPLICANT'S SIGNATURE: _____

DATE: _____

NOTES:

1) ALL WORK MUST COMPLY WITH FREDERICK COUNTY CODE, SECTION 1-10. CONTACT FREDERICK COUNTY TECHNICAL SUPPORT (301) 694-1132 FOR ADDITION INFORMATION.

2) THE APPLICANT SHALL NOTIFY THE CITY DEPARTMENT OF PUBLIC WORKS (301) 834-6270 AT LEAST 24 HOURS PRIOR TO COMMENCING WORK AND FOR FINAL INSPECTION TO RELEASE OF THE MONETARY GUARANTEE.

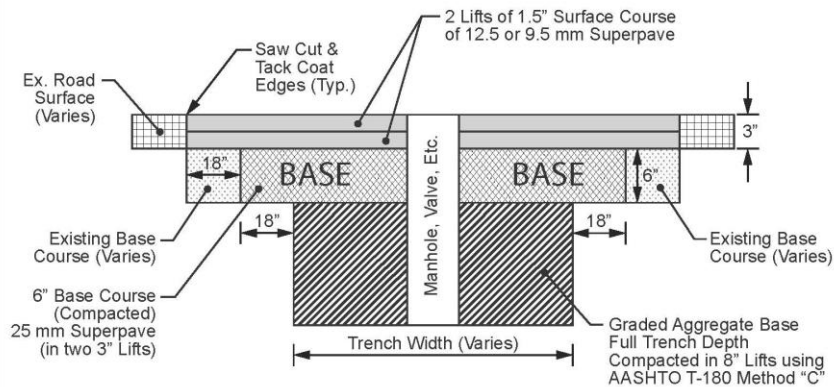
CITY OF BRUNSWICK OFFICE USE ONLY BELOW THIS LINE

THE CITY OF BRUNSWICK HEREBY GRANTS YOUR COMPANY PERMISSION TO EXCAVATE ALONG AND/OR ACROSS THE ABOVE MENTIONED CITY RIGHT-OF-WAY IN ACCORDANCE WITH YOUR REQUEST. IT IS UNDERSTOOD THAT YOUR COMPANY WILL BE RESPONSIBLE FOR THE SAFE MAINTENANCE OF ALL TRAFFIC ALONG YOUR CONSTRUCTION PROJECT AND THAT THE CONSTRUCTION AREA WILL BE LEFT IN AS GOOD OR BETTER CONDITION AS IT IS FOUND AT PRESENT TIME. ANY PAVEMENT THAT IS DISTURBED DURING THIS OPERATION IS EXPECTED TO BE REPLACED, IN ACCORDANCE WITH THE SKETCH FOR MACADAM ROADWAYS, WHICH YOU OBTAINED AS PART OF THIS PERMIT. COMPLETE SPECIFICATIONS ARE AVAILABLE UPON REQUEST.

ALL DISTURBED SHOULDER SLOPES AND DITCHES MUST BE PUT BACK TO ORIGINAL GRADE.

THIS PERMIT IS GRANTED IN ACCORDANCE WITH THE CITY OF BRUNSWICK CHARTER, ARTICLE I, SECTION 16-3 AND ARTICLE X, SECTION 16-76.

DPW SIGNATURE: _____ DATE: _____

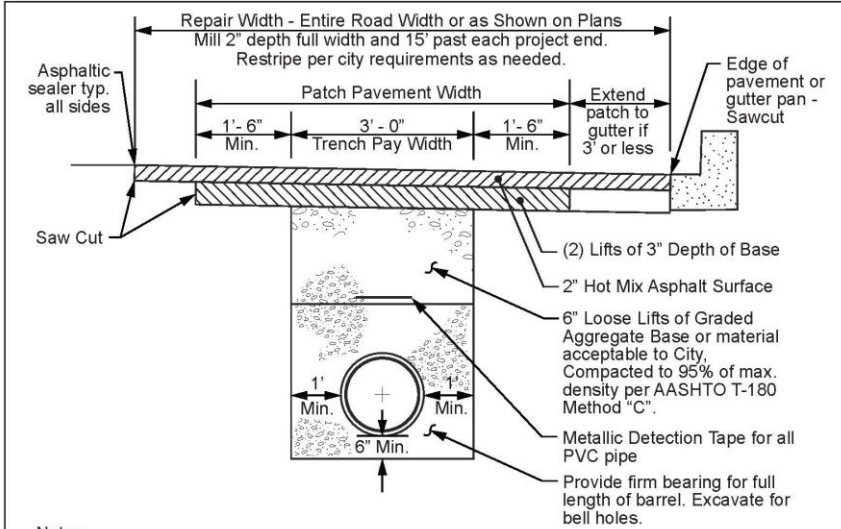


Notes:

1. The contractor is required to apply for and obtain a Right-of-Way obstruction permit.
2. Existing pavement edges to be saw cut.
3. The sides of all excavations shall be braced with shoring or protected with trench box as required by OSHA and MOSHA regulations.
4. Compaction shall be 95% of maximum density based upon AASHTO T-180 Method "C" except for the top 1' of the roadway which shall be 97% of the maximum dry density based upon AASHTO T-180 Method "C".
5. Ensure that all trench backfill, etc., is specified to comply with the conditions of this permit.
6. All concrete sidewalks, driveways, or curb removed shall be cut, removed, and replaced to nearest joint. Replacement shall be in accordance with the City of Brunswick Standard Details.
7. Base course to extend 18" beyond trench cut on both sides.
8. Surface course to extend 18" beyond base course on both sides.
9. All vertical edges of the repair area shall be tacked before placement of the surface course.
10. Refer to "Manholes, Water Caps" specifications for more details.
11. Base course and at least one surface course layer to be done in same day, or flush with existing roadway.
12. Final surface course layer shall be done within 5 calendar days of the initial surface course.
13. Disturbed lawn areas to be restored with 4" sifted topsoil, seed, and mulch.

DETAIL 'B' - TRENCH & PAVEMENT REPAIR
(PERPENDICULAR TO CENTERLINE)

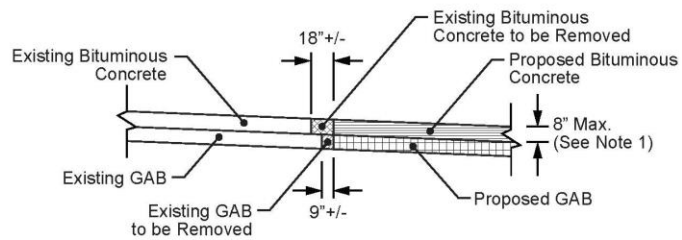
MANHOLES, WATER METERS, AND OTHER
 APPURTENANCES
 N.T.S.



Notes:

1. The contractor is required to apply for and obtain a Right-of-Way obstruction permit.
2. Existing pavement edges to be saw cut.
3. The sides of all excavations shall be braced with shoring or protected with trench box as required by OSHA and MOSHA regulations.
4. Compaction shall be 95% of maximum density based upon AASHTO T-180 Method "C" except for the top 1' of the roadway which shall be 97% of the maximum dry density based upon AASHTO T-180 Method "C".
5. Ensure that all trench backfill, etc., is specified to comply with the conditions of this permit.
6. All concrete sidewalks, driveways, or curb removed shall be cut, removed, and replaced to nearest joint. Replacement shall be in accordance with the City of Brunswick Standard Details.
7. Base course to extend 18" beyond trench cut on both sides.
8. Surface course to extend 18" beyond base course on both sides.
9. All vertical edges of the repair area shall be tacked before placement of the surface course.
10. Refer to "Manholes, Water Caps" specifications for more details.
11. Base course and at least one surface course layer to be done in same day, or flush with existing roadway.
12. Final surface course layer shall be done within 5 calendar days of the initial surface course.
13. Disturbed lawn areas to be restored with 4" sifted topsoil, seed, and mulch.

DETAIL 'A' - TRENCH & PAVEMENT REPAIR
(PARALLEL TO CENTERLINE)
 MANHOLES, WATER METERS, AND OTHER
 APPURTENANCES
 N.T.S.



Notes:

1. If existing bituminous concrete is thicker than 8", provide multiple lifts at 8" depths.
2. Where proposed pavement connects to existing pavement, saw cut the existing pavement for the full length of the connection. For the surface course, the existing pavement must be milled back a minimum of 18" to allow for a smooth overlap.
3. The proposed graded aggregate base course must be field adjusted as necessary such that, where it interfaces with existing pavement, it will effectively tie into the existing drainage layer to allow for continuous subsurface drainage.
4. Field adjustments shall be made as necessary to provide a smooth transition both vertically and horizontally from existing to proposed paving sections.

DETAIL 'C' - SAW CUT
N.T.S.

APPENDIX D

Article 3. Code of Ethics. Title 1. General Provisions

Sections 2-3101. Applicability and Definitions.

- (a) The provisions of this Article apply to all City of Brunswick, Maryland elected officials, employees, and appointees to boards and commissions of the City of Brunswick.
- (b) "Designated second home" means:
 - (1) If an individual owns one second home, the individual's second home; or
 - (2) If an individual owns more than one second home, any one second home the individual identifies to the Commission as the individual's designated second home.
- (c) "Home address" means the address of an individual's:
 - (1) Principal home; and
 - (2) Designated second home, if any.
- (d) "Principal home" means the sole residential property that an individual occupies as the individual's primary residence, whether owned or rented by the individual.
- (e) "Second home" means a residential property that:
 - (1) An individual occupies for some portion of the filing year; and
 - (2) Is not a rental property or a time share.

Section 2-3102. Ethics Commission.

- (a) There is a City Ethics Commission that consists of not fewer than three (3) and not more than five (5) members appointed by the Mayor and approved by the City Council. The members shall be appointed to terms of three (3) years that shall be staggered. Vacancies shall be filled for the unexpired terms of any member whose term becomes vacant. All members must be residents of the City of Brunswick and registered to vote. The Commission shall annually elect a Chairperson and Vice-Chairperson. Members shall serve without compensation, but provision may be made by the Mayor and City Council for necessary and proper expenses while performing official duties. The Commission shall be advised by the City Attorney or, if the City Attorney is disqualified from participating in a particular matter, by a substitute Attorney appointed by the Mayor and City Council.
- (b) The Commission shall:
 - (1) Devise, receive, and maintain all forms required by this Article;
 - (2) Develop procedures and policies for advisory opinion requests and provide published advisory opinions to persons subject to this Article regarding the applicability of the provisions of this Article to them;

- (3) Develop procedures and policies for the processing of complaints to make appropriate determinations regarding complaints filed by any person alleging violations of this Article; and
- (4) Conduct a public information program regarding the purposes and application of this Article.
- (c) The City Attorney and City Administrator shall advise the Commission.
- (d) The Commission shall certify to the State Ethics Commission on or before October 1 of each year that the City of Brunswick is in compliance with the requirements of General Provisions Article, Title 5, Subtitle 8, Annotated Code of Maryland, for elected local officials.
- (e) The Commission shall determine if changes to this Article are required to be in compliance with the requirements of General Provisions Article, Title 5, Subtitle 8, Annotated Code of Maryland, and shall forward any recommended changes and amendments to the Brunswick City Council for enactment.
- (f) The Commission may adopt other policies and procedures to assist in the implementation of the Commission's programs established in this Article.
- (g) A member of the Commission may be removed by the City Council, after a hearing, for:
 - (1) neglect of duties;
 - (2) misconduct in office;
 - (3) a disability that renders the member unable to discharge the powers and duties of office; or
 - (4) a violation of this article.

Section 2-3103. Conflicts of Interest.

- (a) In this section, "qualified relative" means a spouse, parent, child, or sibling.
- (b) All City of Brunswick elected officials, officials appointed to City of Brunswick boards and commissions subject to this Article, and employees are subject to this section.
- (c) Participation prohibitions. Except as permitted by Commission regulation or opinion, an official or employee may not participate in:
 - (1) Except as permitted by Commission regulation or opinion, an official or employee may not participate in:
 - (i) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision of the matter, any matter in which, to the knowledge of the official or employee, the official or employee, or a qualified relative of the official or employee has an interest;
 - (ii) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision with respect to the matter, any matter in which any of the following is a party:
 - (A) A business entity in which the official or employee has a direct financial interest of which the official or employee may reasonably be expected to know;
 - (B) A business entity for which the official, employee, or a qualified relative of the official or employee is an officer, director, trustee, partner, or employee;
 - (C) A business entity with which the official or employee or, to the knowledge of the official or employee, a qualified relative is negotiating employment or has any arrangement concerning prospective employment;
 - (D) If the contract reasonably could be expected to result in a conflict between the private interests of the official or employee and the official duties of the official or employee, a business entity that is a party to an existing contract with the official or employee, or which, to the knowledge of

the official or employee, is a party to a contract with a qualified relative;

(E) An entity, doing business with the City of Brunswick, in which a direct financial interest is owned by another entity in which the official or employee has a direct financial interest, if the official or employee may be reasonably expected to know of both direct financial interests; or

(F) A business entity that:

1. The official or employee knows is a creditor or obligee of the official or employee or a qualified relative of the official or employee with respect to a thing of economic value; and
2. As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or employee or a qualified relative of the official or employee.

(2) A person who is disqualified from participating under paragraphs (1)(i) or (ii) of this subsection shall disclose the nature and circumstances of the conflict and may participate or act if:

- (i) The disqualification leaves a body with less than a quorum capable of acting;
- (ii) The disqualified official or employee is required by law to act; or
- (iii) The disqualified official or employee is the only person authorized to act.

(3) The prohibitions of paragraph (1)(i) or (ii) of this subsection do not apply if participation is allowed by regulation or opinion of the Commission.

(4) A former regulated lobbyist who is or becomes subject to this Article as an employee or official, other than an elected official or an appointed official, may not participate in a case, contract, or other specific matter as an employee or official, other than an elected official or appointed official, for one (1) calendar year after the termination of the registration of the former regulated lobbyist if the former regulated lobbyist previously assisted or represented another party for compensation in the matter.

(d) Employment and financial interest restrictions.

(1) Except as permitted by regulation of the Commission when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official or employee may not:

- (i) Be employed by or have a financial interest in any entity:
 - (A) Subject to the authority of the official or employee or the City of Brunswick agency, board, commission with which the official or employee is affiliated; or
 - (B) That is negotiating or has entered a contract with the agency, board, or commission with which the official or employee is affiliated; or
- (ii) Hold any other employment relationship that would impair the impartiality or independence of judgment of the official or employee.

(2) This prohibition does not apply to:

- (i) An official or employee who is appointed to a regulatory or licensing authority pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to the authority;
- (ii) Subject to other provisions of law, a member of a board or commission in regard to a financial interest or employment held at the time of appointment, provided the financial interest or employment is

publicly disclosed to the appointing authority and the Commission;

- (iii) An official or employee whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted by and in accordance with regulations adopted by the Commission;
- (iv) Employment or financial interests allowed by regulation of the Commission if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed; or
- (v) An individual who is a public official only as a member of a board who receives annual compensation that is less than twenty-five percent (25%) of the lowest annual compensation at State Grade Level 16.

(e) Post-employment limitations and restrictions.

- (1) A former official or employee may not assist or represent any party other than the City of Brunswick for compensation in a case, contract, or other specific matter involving the City of Brunswick if that matter is one in which the former official or employee significantly participated as an official or employee.
- (2) A former elected official may not assist or represent another party for compensation in a matter that is the subject of legislative action for one (1) calendar year after the elected official leaves office.
- (3) A former Governor, Lieutenant Governor, Attorney General, Comptroller, State Treasurer, or member of the General Assembly may not assist or represent another party for compensation in a matter that is the subject of legislative action for one (1) calendar year from the date the official leaves State office.
- (4) A former regulated lobbyist who is or becomes subject to regulation under this title as a public official or employee may not participate in a case, contract or other specific matter as a public official or employee for one (1) calendar year after the termination of the registration of the former regulated lobbyist if the former regulated lobbyist previously assisted or represented another party for compensation in the matter.

(f) Contingent compensation. Except in a judicial or quasi-judicial proceeding, an official or employee may not assist or represent a party for contingent compensation in any matter before or involving the City of Brunswick.

(g) Use of prestige of office.

- (1) An official or employee may not intentionally use the prestige of office or public position:
 - (i) For the private gain of that official or employee or the private gain of another; or
 - (ii) To influence, except as part of the official duties of the official or employee or as a usual and customary constituent service without additional compensation, the award of a state or local contract to a specific person.
- (2) An official may not directly or indirectly initiate a solicitation for a person to retain the compensated services of a particular regulated lobbyist or lobbying firm.
- (3) This subsection does not prohibit the performance of usual and customary constituent services by an elected local official without additional compensation.
- (4) An official, other than an elected official, or employee may not use public resources or the title of the official or employee to solicit a contribution as that term is defined in the Election Law Article of the Maryland Annotated Code.
- (5) An elected official may not use public resources to solicit a contribution as that term is defined in the Election Law Article of the Maryland Annotated Code.

(h) Solicitation and acceptance of gifts.

- (1) An official or employee may not solicit any gift.
- (2) An official or employee may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual regulated lobbyist.
- (3) An official or employee may not knowingly accept a gift, directly or indirectly, from a person that the official or employee knows or has the reason to know:
 - (i) Is doing business with or seeking to do business with the City of Brunswick office, agency, board, or commission with which the official or employee is affiliated;
 - (ii) Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the official duties of the official or employee;
 - (iii) Is engaged in an activity regulated or controlled by the officials or employees governmental unit; or
 - (iv) Is a lobbyist with respect to matters within the jurisdiction of the official or employee.
- (4) Paragraph (5) of this subsection (i.e., gifts that may be accepted by an official or employee) does not apply to a gift:
 - (i) That would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;
 - (ii) Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or
 - (iii) Of significant value that the recipient official or employee believes or has reason to believe is designed to impair the impartiality and independence of judgment of the official or employee.
- (5) Notwithstanding paragraph (3) of this subsection, an official or employee may accept the following:
 - (i) Meals and beverages consumed in the presence of the donor or sponsoring entity;
 - (ii) Ceremonial gifts or awards that have insignificant monetary value;
 - (iii) Unsolicited gifts of nominal value that do not exceed \$20.00 in cost or trivial items of informational value;
 - (iv) Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or the employee at a meeting which is given in return for the participation of the official or employee in a panel or speaking engagement at the meeting;
 - (v) Gifts of tickets or free admission extended to an elected local official to attend a charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the elected officials office;
 - (vi) A specific gift or class of gifts that the Commission exempts from the operation of this subsection upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the City of Brunswick and that the gift is purely personal and private in nature;
 - (vii) Gifts from a person related to the official or employee by blood or marriage, or any other individual who is a member of the household of the official or employee; or
 - (viii) Honoraria for speaking to or participating in a meeting, provided that the offering of the honorarium is in not related in any way to the officials or employees official position.

- (i) Disclosure of confidential information. Other than in the discharge of official duties, an official or employee may not disclose or use confidential information, that the official or employee acquired by reason of the official's or employee's public position and that is not available to the public, for the economic benefit of the official or employee or that of another person.
- (j) Participation in procurement.
 - (1) An individual or a person that employs an individual who assists a City of Brunswick agency in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement may not submit a bid or proposal for that procurement or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.
 - (2) The Commission may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the procuring agency.

Title 2. Financial Disclosure Requirements

Section 2-3201. Financial disclosure- local elected officials and candidates to be local elected officials.

- (a) This section applies to all local elected officials and candidates to be local elected officials.
- (b) Except as provided in subsection (e) of this section, a local elected official or a candidate to be a local elected official shall file the financial disclosure statement required under this section:
 - (1) On a form provided by the Commission;
 - (2) Under oath or affirmation; and
 - (3) With the Commission.
- (c) Deadlines for filing statements.
 - (1) An incumbent local elected official shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.
 - (2) An individual who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within thirty (30) days after appointment.
 - (3) An individual who, other than by reason of death, leaves an office for which a statement is required shall file a statement within sixty (60) days after leaving the office.
- (d) The statement shall cover:
 - (1) The calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and
 - (2) The portion of the current calendar year during which the individual held the office.
- (e) Candidates to be local elected officials.
 - (1) Except for an official who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate to be an elected local official shall file a financial disclosure statement each year beginning with the year in which the certificate of candidacy is filed through the year of the election.

- (2) A candidate to be an elected local official shall file a statement required under this section:
 - (i) In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;
 - (ii) In the year of the election, on or before the earlier of April 30 or the last day for the withdrawal of candidacy; and
 - (iii) In all other years for which a statement is required, on or before April 30.
 - (3) A candidate to be an elected official:
 - (i) May file the statement required under subsection (e)(2)(i) of this Article with the City of Brunswick Clerk or Board of Election Supervisors with the certificate of candidacy or with the Commission prior to filing the certificate of candidacy; and
 - (ii) Shall file the statements required under subsection (e)(2)(ii) and (iii) with the Commission.
 - (4) If a statement required to be filed by a candidate is overdue and not filed within eight (8) days after written notice of the failure to file is provided by the City of Brunswick Clerk or Board of Election Supervisor, the candidate is deemed to have withdrawn the candidacy.
 - (5) The City of Brunswick Clerk or Board of Election Supervisors may not accept any certificate of candidacy unless a statement has been filed in proper form.
 - (6) Within thirty (30) days of the receipt of a statement required under this section, the City of Brunswick Clerk or Board of Election Supervisors shall forward the statement to the Commission or the office designated by the Commission.
- (f) Public record.
- (1) The Commission or office designated by the Commission shall maintain all financial disclosure statements filed under this section.
 - (2) Financial disclosure statements shall be made available during normal office hours for examination and copying by the public subject to reasonable fees and administrative procedures established by the Commission.
 - (3) If an individual examines or copies a financial disclosure statement, the Commission or the office designated by the Commission shall record:
 - (i) The name and home address of the individual reviewing or copying the statement; and
 - (ii) The name of the person whose financial disclosure statement was examined or copied.
 - (4) Upon request by the official or employee whose financial disclosure statement was examined or copied, the Commission or the office designated by the Commission shall provide the official with a copy of the name and home address of the person who reviewed the official's financial disclosure statement.
 - (5) For statements filed after January 1, 2019, the Commission or the office designated by the Commission may not provide public access to an individual's home address that the individual has designated as the individual's home address.
 - (6) Except as provided in paragraph (3) of this subsection, for statements submitted on or after January 1, 2019, the Commission may make freely available to the public on the Internet, through an online registration program, financial disclosure statements required under §2-3201(b) of this subtitle.
- (g) Retention requirements. The Commission or the office designated by the Commission shall retain financial

disclosure statements for four (4) years from the date of receipt.

(h) Contents of statement.

(1) Interests in real property.

- (i) A statement filed under this section shall include a schedule of all interests in real property wherever located.
- (ii) For each interest in real property, the schedule shall include:
 - (A) The nature of the property and the location by street address, mailing address, or legal description of the property;
 - (B) The nature and extent of the interest held, including any conditions and encumbrances on the interest;
 - (C) The date when, the manner in which, and the identity of the person from whom the interest was acquired;
 - (D) The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;
 - (E) If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and
 - (F) The identity of any other person with an interest in the property.

(2) Interests in corporations and partnerships.

- (i) A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with the City of Brunswick.
- (ii) For each interest reported under this paragraph, the schedule shall include:
 - (A) The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability corporation;
 - (B) The nature and amount of the interest held, including any conditions and encumbrances on the interest;
 - (C) With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and, if known, the identity of the person to whom the interest was transferred; and
 - (D) With respect to any interest acquired during the reporting period:
 - 1. The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
 - 2. The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.
- (iii) An individual may satisfy the requirement to report the amount of the interest held under item (ii)(B) of this paragraph by reporting, instead of a dollar amount:
 - (A) For an equity interest in a corporation, the number of shares held and, unless the corporation's stock is publicly traded, the percentage of equity interest held; or

(B) For an equity interest in a partnership, the percentage of equity interest held.

(3) Interests in business entities doing business with the City of Brunswick.

(i) A statement filed under this section shall include a schedule of all interests in any business entity that does business with the City of Brunswick, other than interests reported under paragraph (2) of this subsection.

(ii) For each interest reported under this paragraph, the schedule shall include:

(A) The name and address of the principal office of the business entity;

(B) The nature and amount of the interest held, including any conditions to and encumbrances on the interest;

(C) With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received in exchange for the interest, and, if known, the identity of the person to whom the interest was transferred; and

(D) With respect to any interest acquired during the reporting period:

1. The date when, the manner in which, and the identity of the person from whom the interest was acquired; and

2. The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

(4) Gifts.

(i) A statement filed under this section shall include a schedule of each gift in excess of \$20.00 in value or a series of gifts totaling \$100.00 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with or is regulated by the City of Brunswick.

(ii) For each gift reported, the schedule shall include:

(A) A description of the nature and value of the gift; and

(B) The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.

(5) Employment with or interests in entities doing business with the City of Brunswick.

(iii) A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with the City of Brunswick.

(iv) For each position reported under this paragraph, the schedule shall include:

(A) The name and address of the principal office of the business entity;

(B) The title and nature of the office, directorship, or salaried employment held and the date it commenced; and

(C) The name of each City of Brunswick agency with which the entity is involved.

(6) Indebtedness to entities doing business with or regulated by the individual's City of Brunswick unit or department.

- (v) A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with or regulated by the individual's City of Brunswick unit or department owed at any time during the reporting period:
 - (A) By the individual; or
 - (B) By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.
- (vi) For each liability reported under this paragraph, the schedule shall include:
 - (A) The identity of the person to whom the liability was owed and the date the liability was incurred;
 - (B) The amount of the liability owed as of the end of the reporting period;
 - (C) The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and
 - (D) The security given, if any, for the liability.
- (7) A statement filed under this section shall include a schedule of the immediate family members of the individual employed by the City of Brunswick in any capacity at any time during the reporting period.
- (8) Sources of earned income.
 - (vii) A statement filed under this section shall include a schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individuals immediate family was a sole or partial owner and from which the individual or member of the individuals immediate family received earned income, at any time during the reporting period.
 - (viii) A minor child's employment or business ownership need not be disclosed if the agency that employs the individual does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.
 - (ix) For a statement filed on or after January 1, 2019, if the individual's spouse is a lobbyist regulated by the City of Brunswick, the individual shall disclose the entity that has engaged the spouse for lobbying purposes.
- (9) A statement filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.
 - (i) For the purposes of Section 2-3201(h) entitled "Contents of Statement," subsections (1), (2), and (3) of this Article, the following interests are considered to be the interests of the individual making the statement:
 - (1) An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.
 - (2) An interest held by a business entity in which the individual held a 30% or greater interest at any time during the reporting period.
 - (3) An interest held by a trust or an estate in which, at any time during the reporting period:
 - (i) The individual held a reversionary interest or was a beneficiary; or
 - (ii) If a revocable trust, the individual was a settler.
- (i)
 - (1) The Commission shall review the financial disclosure statements submitted under this section for compliance

with the provisions of this section and shall notify an individual submitting the statement of any omissions or deficiencies.

(2) The City of Brunswick Ethics Commission may take appropriate enforcement action to ensure compliance with this section.

Section 2-3202. Financial Disclosure- Employees and Appointed Officials.

This section only applies to the following appointed officials and employees:

Members of the Planning Commission

Members of the Zoning Board of Appeals

Members of the Ethics Commission

Department Heads: City Administrator, Chief of Police, Superintendent of Public Works, Superintendent of Water, Superintendent of Waste Water

Designated employees: Planning Director, Assistant Chief of Police, City Clerk, Assistant Superintendent of Public Works, Project Coordinator, City Accountant, Accounting Clerk, Billing Clerk, Economic Development Coordinator and Payroll & Human Resources (HR) Analyst

- (a) A statement filed under this section shall be filed with the Commission under oath or affirmation.
- (b) On or before April 30 of each year during which an official or employee holds office, an official or employee shall file a statement disclosing gifts received during the preceding calendar year from any person that contracts with or is regulated by City of Brunswick, including the name of the donor of the gift and the approximate retail value at the time of receipt.
- (c) An official or employee shall disclose employment and interests that raise conflicts of interest or potential conflicts of interest in connection with a specific proposed action by the employee or official sufficiently in advance of the action to provide adequate disclosure to the public.
- (d) The Commission shall maintain all disclosure statements filed under this section as public records available for public inspection and copying as provided in Section 2-3201
- (e) "Public Record" and (g) "Retention Requirements" of this Article.

Title 3. Lobbying Provisions

Section 2-3301. Lobbying.

- (a) A person shall file a lobbying registration statement with the Commission if the person:
 - (1) Personally appears before a City of Brunswick official or employee with the intent to influence that person in performance of the official duties of the official or employee; and
 - (2) In connection with the intent to influence, expends or reasonably expects to expend in a given calendar year in excess of \$500.00 on food, entertainment, or other gifts for officials or employees of the City of Brunswick.
- (b) A person shall file a registration statement required under this section on or before the later of January 15 of the calendar year or within five (5) days after first performing an act that requires registration in the calendar year.
- (c)
 - (1) The registration statement shall identify:

- (i) The registrant;
 - (ii) Any other person on whose behalf the registrant acts; and
 - (iii) The subject matter on which the registrant proposes to make appearances specified in subsection (a) of this section.
- (2) The registration statement shall cover a defined registration period not to exceed one (1) calendar year.
- (d) Within thirty (30) days after the end of any calendar year during which a person was registered under this section, the person shall file a report with the Commission disclosing:
- (1) The value, date, and nature of any food, entertainment, or other gift provided to a City of Brunswick official or employee; and
 - (2) If a gift or series of gifts to a single official or employee exceeds \$20.00 in value, the identity of the official or employee.

The Commission shall maintain the registrations and reports filed under this section as public records available for public inspection and copying for four (4) years after receipt by the Commission.

Section 2-3401. Exemptions and Modifications.

The Commission may grant exemptions and modifications to the provisions of Section 2- 3103 "Conflict of Interest" and Section 2-3202 "Financial Disclosure - Employees and Appointed Officials" of this Article to employees and to appointed members of City of Brunswick Boards and Commissions, when the Commission finds that an exemption or modification would not be contrary to the purposes of this Article, and the application of this Article would:

- (a) Constitute an unreasonable invasion of privacy; and
- (b) Significantly reduce the availability of qualified persons for public service.

Section 2-3501. Enforcement.

- (a) The Commission may:
 - (1) Assess a late fee of \$5.00 per day up to a maximum of \$500.00 for a failure to timely file a financial disclosure statement required under Section 2-3201 "Financial Disclosure - local elected officials and candidates to be local elected officials" or Section 2-3202 "Financial Disclosure - Employees and Appointed Officials" of this Article;
 - (2) Assess a late fee of \$10.00 per day up to a maximum of \$1,000.00 for a failure to file a timely lobbyist registration or lobbyist report required under Section 2-3301 "Lobbying" of this Article; and
 - (3) Issue a cease and desist order against any person found to be in violation of this Article.
- (b)
 - (1) Upon a finding of a violation of any provision of this Article, the Commission may:
 - (i) Issue an order of compliance directing the respondent to cease and desist from the violation;
 - (ii) Issue a reprimand; or
 - (iii) Recommend to the appropriate authority other appropriate discipline of the respondent, including censure or removal if that discipline is authorized by law.
 - (2) If the Commission finds that a respondent has violated Section 2-3301 of this Article, the Commission may:

- (i) Require a respondent who is a registered lobbyist to file any additional reports or information that reasonably relates to the information that is required under Section 2-3301 of this Article;
 - (ii) Impose a fine not exceeding \$5,000.00 for each violation; and
 - (iii) Suspend the registration of an individual registered lobbyist if the Commission finds that the lobbyist has knowingly and willfully violated Section 2-3301 of this Article or has been convicted of a criminal offense arising from lobbying activities.
- (c)
- (1) Upon request of by the Commission, the City of Brunswick Attorney may file a petition for injunctive or other relief in the Circuit Court of Frederick County, or in any other court having proper venue for the purpose of requiring compliance with the provisions of this Article.
 - (2)
 - (i) The court may:
 - (A) Issue an order to cease and desist from the violation;
 - (B) Except as provided in subparagraph (ii) of this paragraph, void an official action taken by an official or employee with a conflict of interest prohibited by this Article when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within ninety (90) days of the occurrence of the official action, if the court deems voiding the action to be in the best interest of the public; or
 - (C) Impose a fine of up to \$5,000.00 for any violation of the provisions of this Article, with each day upon which the violation occurs constituting a separate offense.
 - (ii) A court may not void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidences of public obligations.
- (d) In addition to any other enforcement provisions in this Article, a person who the Commission or a court finds has violated this Article:
- (1) Is subject to termination or other disciplinary action; and
 - (2) May be suspended from receiving payment of salary or other compensation pending full compliance with the terms of an order of the Commission or a court.
- (e) A City of Brunswick official or employee found to have violated this Article is subject to disciplinary or other appropriate personnel action, including removal from office, disciplinary action, suspension of salary, or other sanction.
- (f) Violation of Section 2-3301 "Lobbying" of this Article shall be a misdemeanor subject to a fine of up to \$10,000.00* or imprisonment of up to one (1) year.
- (g) A finding of a violation of this Article by the Commission is public information.

4840-1599-3180.V.

APPENDIX E

VACANT NON-RESIDENTIAL STRUCTURES ORDINANCE

PENDING